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Veteran Sea-going U.S. Marine

Offering

Environmental

Services

Fax: 774-745-8210

BATTLESHIPS USS WISCONSIN BB-64 | USS MISSISSIPPI EAG-128

WORLD WAR II—KOREAN WAR—PERSIAN GULF

Fax To: 508-8927070

April 8, 2019

Public Record Request

Conservation Commission

Kindly transmitt by fax when convenient
Con. Comm. Minutes from after August
23, 2018 minutes to present.

Thank you

Bob Fournier

RECEIVED

APR 08 2019

Town of Leicester
Development & Inspectional ServicesRECEIVED
2019 APR -8 PM 1:35
TOWN CLERK'S OFFICE
LEICESTER, MASS.

Memo

To: Bob Fournier
774-745-8210
From: Conservation Commission
Date: 4/8/2019
Re: Public Record Request
Meeting Minutes

Attached are approved meeting minutes from August 23, 2018 to present as requested.

The meeting minutes for September 12, 2018, January 9, 2019 and March 13, 2019 are still pending approval.

**Town of Leicester Conservation Commission
Meeting Minutes
August 23, 2018**

MEMBERS PRESENT: Steve Parretti, Chair; John Marc-Aurele, JoAnn Schold, Jim Cooper

MEMBERS ABSENT: None

IN ATTENDANCE: Michelle Buck, Town Planner

MEETING TIME: 7:00 PM

AGENDA:

1. Certificate of compliance

5 Hemlock Street

2. Notice of Intent(NOI)

101 Huntoon Highway, Continued

Auburn & Church Street Bridge Repair, Continued

445 Pine Street (Riverfront restoration)

Mulberry Street Solar farm III

3. Extension Request

Cedar Meadow Lake (197-0579)

4. Approval of Minutes

7/11/2018

5. Board Discussion/Miscellaneous

Emergency Certification (2 Patricks Drive)

Applicant for Commission Vacancy

Report to Conservation (Stafford St/Matthew Marro DEP 197-0541)

Sign Performance Agreement for 690 Stafford St

Forestry Complaint (Reservoir Street)

Oakridge Update

Miscellaneous Project Updates/Site Inspection Updates

Certificate of Compliance, 5 Hemlock Street (Applicant: Tricia Tarentino)

Mr. Parretti asked if anyone had concerns or questions, stated that Ms. Schold and he went to the site and added everything looks good. They had made the updates to what was suggested.

MOTION: Mr. Marc-Aurele moved to grant the Certificate of Compliance for 5 Hemlock Street.

SECONDED: Mr. Cooper

VOTE: All in favor.

Notice of Intent: 101 Huntoon Memorial Highway. DEP#197-0632 (Applicant: 101 Huntoon LLC)

Mr. Parretti asked why this was continued. Mr. Balcwicz from BC Engineering stated that he wanted the ability to submit more documentation related to the proposed addition, after the first peer review [comments from Quinn Engineering.]. He met with Planning Board last night, and will meet with the Zoning Board of Appeals on September 19, 2018. He's made changes and addressed comments including adding guardrail, narrative to explain how trucks access the property without backing out on route 56, changes to address stormwater control and stabilization of slopes, and details of retaining wall construction.

Ms. Buck noted that the project still doesn't conform to Massachusetts Stormwater Management Policy; Kevin Quinn thinks they need to redesign because the Cultec chamber is in groundwater (it's supposed to be 2 feet above groundwater).

Mr. Balcewicz states he had a conversation with Mr. Quinn on this, but he disagrees because they are not capturing pavement run off only roof runoff, which is considered clean runoff. Mr. Quinn suggested providing an impermeable barrier (a 40 mil poly barrier) under the Cultec chamber (which is in groundwater). He still needs to provide details to Mr. Quinn, the systems is now raised up higher than previous plans, though still not 2 feet above groundwater.

There was back and forth discussion on the Cultec chamber and related issues. Ms. Buck noted that Mr. Quinn felt Conservation Commission shouldn't approve until the stormwater issues are addressed. Mr. Balcewicz said they're in the process of further revising the plans. Mr. Parretti felt that if there weren't major changes that affect wetlands, the Commission should be able to approve in September. If major changes, the applicant should notify the Commission and schedule a site visit.

The Board continued the hearing to the meeting of September 12, 2018.

Notice of Intent: Auburn Street and Church Street, Continued. DEP#197-0634 (Applicant: Town of Leicester)

This was continued from the July meeting date because the DEP number hadn't yet been assigned. The Board reviewed comments from DEP regarding prevention of erosion. Richard Lenox of WSP USA was present for the Applicant. He stated that DEP comments have been addressed.

Ms. Schold asked the work has started. Mr. Lennox said no, but they had to close the Church Street bridge, so they'd like to get approvals so the work can get out to bid and start as soon as possible. He provided an overview of the work. He explained that Church Street has a 2 cell culvert and there are currently stone slabs that will be replaced with concrete slab, and trying to replicate the railing. Church Street will be done first as the bridge is closed. Auburn Street is just to provide a crash-worthy railing. The cable rail has failed, and will be replaced.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for Auburn Street and Church Street bridges.

SECONDED: Mr. Cooper

VOTE: All in favor.

Notice of Intent: 445 Pine Street/DEP#197-0635 (Applicant: Susan Shea)

Mr Paretti read the hearing notice into the record.

Glen Krevoski from EBT Environmental Consulting was present for the Applicant. Most of the project is outside the wetland area and buffer zone. There was an encroachment of 1,203 square feet, which is also over the 10% allowable alteration in the riverfront area. There's a field onsite that they propose to use as the wetland replication area. They will clean out exotic invasive plants and plant red oak and white pine. DEP reviewed it and provided no comments. They're ready to go ahead with restoration, and he'll oversee the work.

Mr. Paretti asked about the size of the lot. Ms. Shea said it's almost 2 acres.

Mr. Paretti asked if there were any other comments. Ms. Schold said she checked the wattle line and it looked good. Mr. Marc-Aurele said what they're proposing looks good.

Mr. Marc-Aurele asked about proposed grading related to the house construction. Is the top of the hill coming down, and will the grading affect wetland areas? Mr. Krevoski said the work is outside the Conservation Commission's jurisdiction. There's no grading in the buffer zone and restoration is already staked out; they will put up wattles or construction fence. Mr. Marc-Aurele said he's concerned about the grades on-site and suggests an orange construction fence on the uphill side during restoration. There was back and forth discussion on this issue, and the consensus was that a fence be provided, and erosion control and the limits of restoration.

Mr. Paretti states that in the past they have done bonding for replication. Ms. Schold noted that this is because if the work isn't done right the Town would have to go in and fix it. Mr. Krevoski agreed; a dollar per square foot would be \$1,200. Mr. Paretti notes that the bond amount is small, but a bond should be posted to be consistent.

MOTION: Mr. Marc-Aurele moved to approve the Notice of Intent for 445 Pine Street as discussed.

SECONDED: Mr. Cooper. Discussion: Mr. Parretti noted the wattles the applicant had agreed to as well as the bond requirement

VOTE: All in favor.

Notice of Intent: Mulberry Street. DEP#197-0636 (Applicant: Syncarpha Solar)

Mr. Paretti read the public hearing notice and gave background. Mr. Marc-Aurele stepped down as a direct abutter to the project and will abstain from the vote.

Peter Engle of Bertin Engineering was present for the Applicant. He presented revised plans to the Board and provided an overview. There is clearing, but it's outside the 25 foot no-disturb. There's no equipment, panels, or equipment inside the buffer. There's no replication.

Mr. Engle noted that they'd revised the plans in response to comments from Quinn Engineering. There were also comments from DEP. Ms. Buck noted the revised plans were just received late this afternoon so have not yet been reviewed. The plans weren't meeting the buffer requirements, so they had to move the detention basin.

Mr. Engle said they shifted the detention basin about 35 feet to the east. The Board reviewed the revised plans.

Mr. Paretti asked about zoning related to solar farms. Ms. Buck said there were new Zoning Bylaws adopted a year ago, which is why they had to redesign the project. There was a misinterpretation of those new requirements. The Applicant thought the Planning Board could waive the buffer, but they can't (a reduction would require a variance from the ZBA). The applicant revised the plan and moved the detention basin to conform. The Planning Board is

Ms. Schold asked if the Applicant had addressed DEP comments. Mr. Engle said many of the comments coincided with Mr. Quinn's comments. Ms. Schold asked if they had a written response to DEP comments. Mr. Engle went over responses. No test pits were done. Mr. Art Allen of EcoTec stated that there is substantial topsoil on the site.

Mr. Engle stated that the detention basin has been moved so that it's not in Zone A.

The Board reviewed the comment about the detention basin, and the need for calculations. The Applicant didn't agree with DEP's comment, but the consensus after discussion was that DEP's comment should be addressed.

DEP also commented on the potential for erosion. The Board noted that the site is heavily wooded. Mr. Parretti asked if they will clear all at once. Mr. Engle said yes. They'll be leaving stumps. Mr. Parretti emphasized that erosion control is the Applicant's responsibility.

Mr. Paretti suggest that Mr. Engle should follow up with DEP then come back. Mr. Marc-Aurele noted that he hadn't reviewed the revised plan and stormwater report. He asked about the level-spreader and erosion control. Mr. Parretti said they'd have to inspect the erosion controls before construction. Mr. Marc-Aurele strongly recommends hay bales and silt fence along the bottom of the slope. He's recommending hay bales rather than straw wattles, so water won't overtop.

Mr Paretti said that the Commission's two concerns are to address DEP's comments and to have hay bales instead of wattles on the low side.

The Board continued the hearing to the meeting of September 12, 2018.

Extension of Notice of Intent: Cedar Meadow Lake, DEP#197-0579 (Applicant: Cedar Meadow Lake Watershed District)

Michelle Casper was present for the Applicant. It's already expired, but because it's a volunteer district they're just submitting the request. There's no plan to do treatment soon, but they want it extended since it's an expensive process to go through the permitting process. It would be a retroactive extension.

MOTION: Ms. Schold moved to extend Cedar Meadow Lake for 3 years as of March 11, 2018.

SECOND: Mr. Cooper

VOTE: All in favor.

BOARD DISCUSSION ITEMS/MISCELLANEOUS

2 Patrick's Drive (Applicant: Tyler Lussier)

Ms. Buck explained that at the last meeting, the Commission had asked her to send a letter to the owner of 2 Patricks Drive related to erosion control related to an Emergency Certificate for installation of a water line. [She noted that in the meantime, she'd been contacted by the owner of 4 Patrick's Drive seeking and Emergency Certification for similar work. 4 Patricks Drive isn't on the agenda, but the owner would like to speak with the Board about the issue].

Mr. Parretti noted that the owner was supposed to file an RDA. The owner was asked to attend the meeting (by certified mail), and was not present. Ms. Schold said the Emergency Certificate was issued in April and they never filed the RDA. Mr. Marc-Aurele asked if the work has been done and stabilized. Ms. Schold said no.

The Board decided to postpone further discussion on this item until later in the meeting since no one was present for the Applicant and other people for other projects were in attendance.

4 Patrick's Drive (Applicant: Melvin Medina)

Pierre Brouillard of GH Excavation was present for the Applicant. The Water supply comes from the school property and doesn't go down Patricks Drive. It has to cross the stream. He's proposing to dig on either side of the stream and pull the waterline under it without affecting the

stream. Ms. Schold asked how long the work would take. Mr. Brouillard said only a couple days. Mr. Brouillard explained that the stream is only about 2- 3 feet wide. It's not deep, the bank is only 8-10 inches above the static line. The water line is leaking. The service is already in place, it's just leaking profusely.

Mr. Paretti noted that the Applicant should have come in sooner since they've known it was leaking.

Mr. Brouillard said there's some brush that has to be removed, and the work should take no longer than a week. There was discussion of property boundaries and water district issues. The Leicester Water Supply District is planning to shut off the water if the leak isn't fixed. Existing service is ¾" and will be replaced with the same size. Ms. Schold noted that erosion was an issue with the neighbor's property at 2 Patricks Drive, and siltation affected neighbors, so her concern is with runoff.

Mr. Brouillard said he doesn't mind putting in wattles. Ms. Schold said straw wattles would be sufficient; he doesn't need hay bales.

There was discussion of the RDA process. There's a fee of \$50, applications have to be received 2 weeks prior to a meeting, and abutter notification is required

MOTION: Mr. Marc-Aurele moved to grant the Emergency Certificate for 4 Patricks conditioned upon filing of an RDA before the next Conservation Commission meeting on September 12, 2018 and straw wattles along the construction site.

SECOND: Mr. Cooper

VOTE: All in favor

Oakridge Estates Update

Arthur Allen from EcoTech was present. He's been the wetland scientist for this project since 2010. Justin Stelmok and John Stelmok (developeprs) are also present. Mr. Allen has been monitoring the site and directed some wetland restoration. He's prepared reports for the Commission. Based on his inspection this afternoon 80% of the open area is now covered and stabilized and they are excavating the wall and putting in geotextile per the structural engineer's recommendation. Siltation controls are in and holding. He's under contract to do post-precipitation monitoring until the site is buttoned up.

Mr. Paretti asked about the long-term prognosis. The permanent stabilization is to have the site covered. Mr. John Stelmok said they're doing work in accordance with recommendations from Yankee Engineering. Mr. Marc-Aurele noted that at the time of the site visit the developer had already reinforced the rock slope. Since then, based on the recommendation of the Conservation Commisison, Mr. John Stelmok is working with McClure Engineering. McClure is not a geo-technical engineer, so they hired Whitestone Associates. Whitestone is coming out to evaluate all the road slopes. There's no new work since the cease & desist, just stabilization work. Whitestone Associates' specializes in this type of work and they'll provide a plan.

Mr. Marc-Aurele said that the Commission won't need to review the structural engineer's plan, but will need certification for record that the slope is stable. Mr. Paretti said the issue will be to ensure that the plan will protect the wetlands from siltation. Ms. Buck noted that the walls be permitted by the Building Inspector, Jeff Taylor. Mr. John Stelmok noted that some of what we're discussing are rock slopes, not walls.

Steven Paquette, unit 72 at Oakridge Estates, said his concern is that if the wall behind units 22 & 24 is not taken apart and reconstructed we will have the same problem with siltation again in the future. Also concerned with steep slopes.

Mr. Marc-Aurele asked if the Planning Board has concerns. Ms. Buck said if it doesn't involve the road, not. Jeff Taylor will be reviewing. For the Planning Board, this is just backyard grading, not something that they'd review. Mr. Paretti suggested that that Mr. Paquette express his concerns to Mr. Taylor. The Conservation Commission's concern is with siltation.

Wayne LeBlanc, 50 Virginia Drive, wants the Commission to know that lawyers and engineers are involved. He suggested that the Conservation Commission also consider hiring an engineer. Mr. Parretti said this is all public record and residents are free to look at the record and submit any concerns to the Commission, and maybe the Building Inspector and Planning Board as well.

Mr. LeBlanc said the Homeowner's Association attorney has already submitted a public records request to the Building Inspector. They'll have an engineer review the record and information submitted by the developer.

Mr. John Stelmok said there will be a final from Mr. Roy at Whitestone Associates that will be provided to the Town.

Mr. Paquette asked about the siltation line and if it was in the buffer. Mr. Marc-Aurele said this project came in before the 25 foot no-disturb requirement, so it's right up to the wetlands. Mr. Paretti said this wouldn't happen on a newer project, but it's grandfathered.

Mr. Paquette asked what would happen if there was additional disturbance in the wetlands. Mr. Marc-Aurele said they'd have to look at it, and replication could be required if that happened. Mr. Parretti noted that work in the wetlands should be avoided.

Mr. Alan said the developer does not want to encroach further on the wetlands. If they did, they'd have to amend the NOI with the full permitting requirements.

Mr. Paquette asked how long the developer is responsible for the project. Mr. Paretti said it would be until the Certificate of Compliance. After that, it's the responsibility of the Homeowners' Association.

Mr. Allen noted that the existing Order of Conditions goes through 2020. Mr. John Stelmok said they want to be completely done by the Spring of 2020.

There was discussion of project modifications because of errors made by the prior engineer (related to location of the road within the right-of-way).

Ms. Buck said since there are representatives of the Homeowners' Association here, she wants them to relay to their attorney the need to narrow the scope of the public records request. The request, as currently written, would be thousands of pages of documents. Mr. LeBlanc said the attorney will revise the request to narrow the scope.

Mr. John Stelmok asked that the Commission lift the cease & desist.

MOTION: Mr. Marc-Aurele moved to lift the cease & desist and continue to move forward.

Second: Ms. Nist

VOTE: All in favor

Performance Agreement for 690 Stafford Street

Ms. Buck explained that the applicant submitted a check for the replication bond amount, and she prepared a Performance Agreement based on a template in the Conservation Commission files. The Board signed the Agreement.

Forestry Complaint

The Board reviewed correspondence related to a forestry complaint. There's no action required.

211 Baldwin (complaint)

Ms. Schold said she went there yesterday. It used be an old summer camp, there's a long driveway. They are clearing and didn't apply for a forestry permit. Ms. Buck said she spoke with the owner, who indicated it was limited clearing. Mr. Paretti said we should refer to DCR. It would require Conservation Commission approval only if it's near wetlands. Ms. Schold said the owner is clearing large trees. The Board asked Ms. Buck to notify DCR and send a copy of the forestry bylaw to the owner.

315 River Street

Ms. Schold said that the wattle line is messy. There are gaps in the wattle line so it's not controlling erosion adequately. Mr. Marc-Aurele said that we should send a letter asking them to correct the wattle line. Erosion control is not in compliance, and should be brought into compliance within 7 days.

63 Fairview Update

The final decision is affirming the DEPs Superceding order and approving the project with two new conditions.

2 Patrick's Drive (Applicant: Tyler Lussier), continued discussion

The Board resumed discussion. Mr. Marc-Aurele asked if it was stabilized. Ms. Schold said the owner didn't plant grass or put in wattles or do anything to control erosion. He just let the silt run into the drain. Board members reiterated that they required an RDA filing.

MOTION: Ms. Schold moved to impose a fine of \$100 per week if the owner doesn't file an RDA prior to the next Conservation Commission meeting. Motion: Mr. Paretti moved

Second: Mr. Marc-Aurele

VOTE: All in favor

Approval of Minutes: July 11, 2018

MOTION: Mr. Marc-Aurele moved to approve the minutes of July 11, 2018.

SECOND: Ms. Schold

VOTE: All in favor

Application for Conservation Commission Vacancy (Sue Sears)

Ms. Sears noted that she has interest in environmental issues and would like to serve on the Commission. The Board said they'd consider her application.

MOTION: Ms. Schold moved to adjourn.

SECOND: Mr. Cooper

VOTE: All in favor

The meeting adjourned at 8:40 PM

Respectfully submitted:

Michelle Buck, Town Planner

Documents included in meeting packet:

- Agenda
- Letter to Commission from Coyle Engineering Dated 6/26/2018 requesting Certificate of compliance and Supporting Documents
- Public Hearing regarding 445 Pine St and supporting Documents
- Public Hearing regarding Mulberry St Solar Farm and Supporting Documents
- Letter From Cedar Meadow Lake dated 7/9/2018 requesting to retroactively extend the Order of Condition expired 3/24/2018
- Meeting notes dated 7/11/2018
- Letter from Planning Dept. Assistant to Mr. Lussier dated 7/16/2018 regarding Emergency Certificate (2 Patrick's Drive)
- Application of Commission Received 7/17/2018
- Site Visit Details from Matthew Marro dated 6/29/2018 (DEP 197-0541)
- Forestry Complaint dated 7/26/2018 From Chris Capone
- Oka Ridge Status Report to Commissioners dated 8/14/2018 with Supporting Documents

Documents submitted at meeting:

- Revised plans for Mulberry Solar

**Town of Leicester Conservation Commission
Meeting Minutes
October 24, 2018**

MEMBERS PRESENT: Stephan Parretti, Chair; John Marc-Aurele, JoAnn Schold, James Cooper

MEMBERS ABSENT: None

IN ATTENDANCE: Michelle Buck, Town Planner and Wanda Merced, Department Assistant

MEETING TIME: 6:00 PM

AGENDA:

1. **Extension Requests**
Curtis Self-Storage, 1749 Main St (197-0600)
2. **Request for Determination of Applicability (RDA)**
 - a) 2 Patricks Drive (water line installation)/Tyler Lussier
 - b) 4 Patricks Drive (water line installation)/Melvin Medina
3. **Notice of Intent(NOI)**
 - a) 101 Huntoon Highway, Continued (building addition), DEP#197-0632
 - b) Mulberry Street Solar III, Continued (Solar Farm), DEP#197-0636
 - c) 6 Lake Shore Drive (house renovation, well, septic), DEP#197-0638
 - d) Stiles Reservoir Amendment, DEP#197-0592
 - e) Boutilier Solar #3 (solar farm)
4. **Approval of Minutes**
 - August 23, 2018
5. **Board Discussion/Miscellaneous**
 - a) Oakridge Estates
 - b) 315 River Street
 - c) 211 Baldwin
 - d) Auburn Solar (erosion complaint)
 - e) Sign performance agreement for 445 Pine
 - f) Commission Vacancy
 - g) Abutter notification
 - h) Central Mass Mosquito Control Project
 - i) Miscellaneous Project Updates/Site Inspection Updates

Notice of Intent: Mulberry Street Solar III, Continued (Solar Farm), DEP#197-0636

Mr. Parretti announced that Mr. Marc-Aurele had to step off the Board at this time because he is an abutter to this property.

Peter Engle of Bertin Engineering discussed the confusion about there being an open Order of Conditions on the property. He was able to find out there was no order but there was an RDA filed. He stated that he sent Mass DEP responses to their comments and have not received any further comments back from them. Ms. Buck said that the Planning Board approved this about a month ago.

Mr. Parretti asked Mr. Engle to confirm that the setbacks have been met and Mr. Engle confirmed that the work that has been done is not touching anything. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Cooper motioned to approve the NOI for the Mulberry Street Solar III with normal conditions.

SECOND: Ms. Schold

VOTE: All in favor.

NOTED: Mr. Marc-Aurele stepped back onto the board.

NOTED: Mr. Cooper left the meeting at 6:05pm.

Extension Requests, Curtis Self-Storage, 1749 Main St (197-0600)

Ms. Buck stated that they submitted a request for an extension but it turns out there was just a typographical error in their NOI so they still have another year. Ms. Buck will send them a letter with this information.

Notice of Intent: 101 Huntoon Highway, Continued (building addition), DEP#197-0632

Robert Johnson, owner of the property, was present at the meeting with the final drawings because his engineer, Stephen Balcewicz, was not available. He said that he sent the final drawings to Ms. Buck via PDF. Ms. Schold asked to look at the drawing he had. Mr. Johnson said the final drawings address the issues that the Planning Board had with stormwater management. Kevin Quinn of Quinn Engineering sent an email saying he reviewed the resubmittal from Stephen Balcewicz and he was satisfied with the stormwater management requirements. Mr. Quinn requested that Mr. Balcewicz submit a full size copy of the plan. Mr. Parretti asked Mr. Johnson if there was any replication and Mr. Johnson said there was not. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to approve the building addition at 101 Huntoon Highway.

SECOND: Ms. Schold

VOTE: All in favor.

Notice of Intent: 6 Lake Shore Drive (house renovation, well, septic), DEP#197-0638

Mr. Parretti read the notice into the record. Jay Finlay, Finlay Engineering, and the property owners, Terence and Mary O'Coin, were present. Mr. Finlay handed in the Certificates of Mailing. The plan was reviewed to see where the home and wells will be located. Existing cesspool will be replaced with a new leach field across the street and proposing a well in the back. New house will be a two bedroom home in the existing footprint with a garage.

Mr. Finlay stated that the current timber wall will be replaced with a masonry stone wall. Mr. Parretti asked about the changing of that wall and about the specifics of how it's supposed to be done. Mr. Parretti stated he wanted to see what the specific procedure is for replacing the wall. Ms. Schold asked what the DEP comments were and Mr. Finlay responded that they received the file number and there were no comments. Mr. Parretti suggested making a conditional approval and asked Ms. Buck to look at an old file to find a copy of DEP letter regarding wall placement. Mr. Marc-Aurele recommended wording it as "the work on the wall to be done in accordance with the DEP". A copy of the DEP letter will be included with the Order of Conditions. Mr. Parretti told Mr. and Mrs. O'Coin they can give conditional approval or continue it to the next

meeting and they (the owners) wanted the conditional approval. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to approve the NOI for house renovation, well work and wall reconstruction at 6 Lake Shore Drive subject to our typical Order of Conditions and it is conditional upon review of the DEP memo addressing guidelines for replacing the wall within the waterfront area and any applicable regulations be applied hereto.

SECOND: Ms. Schold

VOTE: All in favor.

Notice of Intent: Boutilier Solar #3 (solar farm)

Mr. Parretti read the notice into the record. Ms. Buck announced that there isn't a DEP number yet assigned to this file. Chris Anderson of Zero Point Energy Solutions III, LLC was present and handed in the abutters notifications. Mr. Parretti stated that there would not be a vote, only a discussion. Mr. Anderson discussed the project saying they hope to construct a 4.5-Megawatt facility. They will be installing detention basins and stormwater management. Much of the land will be cleared and they will stay outside the 25 foot buffer zone. They plan to cut larger trees but keep the smaller trees and shrubs.

Joe and Christina Roberts live on Hayden Street and own 9.8 acres next to this property. Mr. Roberts said he knows that there is a thruway through the property they own. Mr. Roberts asked how they will be able to access their property if a solar farm is there. Mr. Anderson stated he will look into that and make sure they didn't miss anything in their property line research. Mr. Roberts stated that they don't want to give up access to that easement. Mr. Parretti said this is not a Conservation Commission issue and suggested they show up to the next Planning Board meeting on November 13th.

Mrs. Roberts expressed concerned about the water flow. Mr. Anderson stated that they are not redirecting water flow and explained the mitigation for the stormwater management to Mrs. Roberts so she could understand the process.

Ms. Buck asked Mr. Anderson if he received any comments from DEP yet and he said there are no comments yet.

Mr. Parretti pointed out a typographical error on the Notice of Intent that was submitted. He stated that on the Narrative 1.0, under the Project Description, the last paragraph says "As is required by the Leicester Wetlands Protection Bylaw, there will be work within 25-feet of the BVW". Mr. Anderson confirmed that was indeed a typographical error and apologized. The Board requested that Mr. Anderson correct that to say "will not work within 25-feet".

Mr. Parretti asked Mr. Anderson to notify Ms. Buck when they receive the DEP number.

The Board continued the hearing until the DEP number is assigned.

Notice of Intent: Stiles Reservoir Amendment, DEP#197-0592

Mr. Parretti read the notice into the record. J. Matthew Bellisle from Pare Corporation was present on behalf of Stiles and handed in the Certificates of Mailing receipts. Mr. Bellisle

discussed the amendment and said they found a leak that was evidenced by a whirlpool. With this amendment, they want to work within the limits and add an additional cutoff wall to control the leak. They are looking for normal drawdown in order to complete this repair. They are hoping to begin phase 1 this fall using a chemical grout to seal the void at the entry point. Then the second phase would be to install a cutoff wall and that phase may be extended into the next construction season. They will utilize the same contractor who has a proven track record on this site.

Mr. Marc-Aurele asked if the Office of Dam Safety had been notified and Mr. Bellisle said that they are involved and have checked the site several times. Mr. Bellisle stated that the Office of Dam Safety is willing to extend the Dam Safety Permit.

Ms. Schold asked how long Mr. Bellisle believed this would take. Mr. Bellisle stated phase 1 will take two to three weeks but phase 2 will take longer. He said phase 2 would take two to three months to complete depending on the weather temperatures. Ms. Schold asked if the silt fence is still there. Mr. Bellisle stated that most of the silt fence at this point has been restored.

Mr. Parretti asked Mr. Bellisle if their current Order of Conditions will expire prior to phase 2 and Mr. Bellisle confirmed that it might expire. The Order of Conditions expires June 1, 2019 and Mr. Bellisle is concerned that phase 2 may take longer to complete depending on weather temperatures.

Robert Fournier stated his consultant sent an email. Ms. Buck passed out a copy of the email to the Board for them to read. Mr. Fournier stated he loses water when there is a drawdown and his water quality and quantity suffers.

Mr. Marc-Aurele asked Mr. Bellisle to again verify that the drawdown will be a normal drawdown. Mr. Bellisle stated 6 ½ feet for the depth drawdown was issued by the DEP. Mr. Parretti asked Mr. Bellisle if the DEP has commented on their amendment and Mr. Bellisle said they have not commented.

Mr. Fournier feels that the depth of the drawdown is abnormal and extreme. He stated that after a drawdown of 4 feet, he's impacted. Mr. Parretti stated that Mr. Fournier has always had a drawdown problem. Ms. Schold stated that dam safety is important.

Mr. Parretti asked Mr. Fournier if he loses his water every drawdown and Mr. Fournier confirmed that as correct. Mr. Fournier said the depth of the drawdown is abnormal and extreme. He stated that he's filed for appeals twice.

Ms. Schold stated that dam safety has been important and assured Mr. Fournier that the drawdown will not be as low as it's been the last three years. Again, Mr. Bellisle confirmed 6 ½ feet for the depth of the drawdown as issued by DEP. Ms. Schold asked for the letter that was sent to the abutters for the Board to review. Mr. Bellisle handed out a copy of the letter to the Board for their review.

Mr. Bellisle stated that Mr. Fournier is correct that the letter is unclear. Mr. Bellisle pointed out that the letter says "Stiles Reservoir is proposed to 6 ½ feet below the current ordered

drawdown” and it should have said “6 ½ feet which is the superseding Order of Conditions”. Ms. Schold stated she could understand Mr. Fournier’s concerns. Mr. Parretti stated that as far as the letter is concerned, they needed to make some clarifications and they made those clarifications at the meeting.

Mr. Parretti asked Mr. Bellisle to clarify if they are coming to the Board for an amendment on the superseding Order of Conditions. Mr. Bellisle stated that they are coming to the Board for an amendment on the NOI for the dam repair [DEP#197-0592]. Mr. Parretti asked what the amendment on the superseding Order of Conditions was on and Mr. Bellisle said it was for the drawdown which is an operational activity which was reviewed by DEP at that time. Mr. Parretti stated that he sees the drawdown as being a superseding Order of Conditions DEP issue and the only thing the Board would be doing is voting today on repairing the dam not the drawdown.

Mr. Fournier requested that the Board include his letter from his consultant to be entered into the meeting minutes. Mr. Marc-Aurele stated that the letter will be noted in the meeting minutes as received but it will not be entered verbatim in the minutes. Mr. Parretti confirmed that the document will be in the file and said that any documents anyone submits at meetings are always placed in the appropriate file.

Mr. Parretti stated that the only thing in front of the Board is to vote on agreeing if they can move forward to repair the dam not the drawdown. Mr. Parretti told Mr. Fournier that he doesn’t believe the Conservation Commission is the forum for his complaint regarding the drawdown. Mr. Parretti suggested that Mr. Fournier speak directly with DEP because this issue is out of their jurisdiction. Mr. Parretti stated that once DEP steps in, they take the lead and Conservation Commission has no say in anything.

Mr. Parretti reiterated that the Board would be voting just on the dam repair only. Mr. Fournier stated that the Board wasn’t voting on repairing the dam, he thought they would be voting on the district’s request for an extension. Mr. Parretti clarified that they are asking for an extension on the repair of the dam in the event that they are not able to complete it this season then they would do the remainder of the repair next season. Mr. Fournier stated he did not have a problem with the repair.

Ms. Schold asked Mr. Bellisle when the superceding order for drawdown expires and he told her it expires January 2019. The NOI for the dam repair currently expires on June 1, 2019, and they are asking for a 1 year extension. Ms. Schold explained to Mr. Fournier that there will be another meeting for when they want to extend the drawdown and that is the meeting he should attend. Mr. Marc-Aurele explained that it doesn’t matter if the Board extends the order for the dam repair, their request for the extension of that relies on their having a separate order for the drawdown. He further explained if that if the other order expires and it doesn’t get renewed, they can’t come back in 2020 and do this work because they won’t be able to draw the water down. Mr. Fournier stated he understood the explanation. Mr. Marc-Aurele confirmed that the Board answered all of Mr. Fournier’s questions to his satisfaction.

Mr. Parretti confirmed that the only thing the Board was talking about was the dam repair, the grouting to fix the problem and the building of a cutoff wall (whether this year or next year

because of timing). Mr. Parretti asked if anyone from the public had any comments and there were no further comments from the public.

MOTION: Mr. Marc-Aurele motioned to approve the extension of the permit for repair of the dam [to June 1, 2020] to accomplish phase 1 and phase 2 items as identified.

SECOND: Ms. Schold

VOTE: All in favor.

Request for Determination of Applicability: 2 Patricks Drive (water line installation)

Mr. Parretti read the notice into the record. Applicant (Tyler Lussier) was not present. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to make a Negative 3 determination on the RDA for 2 Patricks Drive that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions that the area be suitably stabilized upon completion of the work.

SECOND: Ms. Schold

VOTE: All in favor.

Request for Determination of Applicability: 4 Patricks Drive (water line installation)

Mr. Parretti read the notice into the record. Applicant (Melvin Medina) was not present. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to make a negative 3 determination on the RDA for 4 Patricks Drive that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions subject to stabilization of ground surface upon completion of the work.

SECOND: Ms. Schold

VOTE: All in favor.

BOARD DISCUSSION/MISCELLANEOUS

Oakridge Estates

Ms. Buck included an update from Arthur Allen of EcoTec, Inc. in the meeting packet.

211 Baldwin

Ms. Schold suggested sending a letter to the property owner to let us know what they are doing. Ms. Buck will follow up.

315 River Street

Not sure if they fixed the water line. Ms. Schold will visit the sight to see if the water line has been fixed.

Auburn Solar (erosion complaint)

Ms. Buck has been unable to contact the solar people directly. Ms. Buck sent an email to the last person that she had contact information for but she did not get a response. Ms. Buck then contacted Jason Brown who is the person in charge of site work for the project. Mr. Brown said "they" had contacted him recently to repair the wash out and he said there is a new owner but he did not provide the new owner's name or contact information. The Board stated that whoever owns the land should get a cease and desist. Mr. Parretti said a letter needs to be sent telling the landowner about the serious erosion control issue that is negatively affecting the wetlands and the stormwater system. Further telling them that we request they immediately respond to this Board on how they will remedy the situation prior to the next meeting and that failure to do so could result in fines.

Sign performance agreement for 445 Pine

Performance agreement signed.

Commission Vacancy

Ms. Buck invited Dan George but he did not show up to the last meeting and is not responding to emails. Mr. Parretti stated that Dan George is out and that they will not chase people.

Abutter notification

Ms. Buck stated that DEP allows Certificates of Mailing rather than Certified Mail and our local regulations say Certified Mail. Trying to move away from Certified Mailing because it's expensive and the cost is of over \$6.00. The Board asked what the difference was and Ms. Buck explained that Certificates of Mailing do not generate a green card certifying delivery but the post office does provide a receipt that it's been mailed. Mr. Buck stated that the Planning Board just recently voted on waiving Certified Mail and allowing Certificates of Mailing instead. Ms. Buck plans on going to ZBA next for them to waive Certified Mail. Ms. Schold said that they would want to only use Certified Mail on cease and desist orders to have proof of delivery.

MOTION: Mr. Parretti motioned to vote to waive the regulation that we require Certified Mail and change it to Certificates of Mailing.

SECOND: Ms. Schold. Discussion: Ms. Buck stated that we currently require abutter notification for RDAs, though DEP doesn't require this. The Board want to continue notification which will now be easier with Certificates of Mailing instead.

VOTE: All in Favor

Central Mass Mosquito Control Project

Ms. Buck said that the Board of Health is looking into the possibility of joining this project. They want to know if this Board had any concerns about it because it involves spraying. Ms. Buck said that this will need to go to a town vote because it's expensive. There have been a few residents who have asked about it because of the increase in mosquito and tick borne diseases. The Board needs more specific information in order to comment.

Miscellaneous Project Updates/Site Inspection Updates

Ms. Buck stated that the Planning Board received two new applications for marijuana cultivation facilities at 484 Stafford Street and 424 Main Street. Both are reusing existing buildings.

Approval of Minutes: August 23, 2018

MOTION: Mr. Parretti moved to approve the minutes of August 23, 2018.

SECOND: Ms. Schold – Discussion: Make two changes at the bottom of big page 59. Mr. XXX is Mr. Marc-Aurele and the Second is Ms. Schold.

VOTE: All in favor.

Next meeting November 14th

MOTION: Mr. Parretti moved to adjourn.

SECOND: Ms. Schold

VOTE: All in favor.

The meeting adjourned at: 7:50 PM

Respectfully submitted:

Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Letter to Commission from C&J Realty Trust Dated 10/1/2018 requesting an extension of time to complete Order of Conditions File #197-0600 at 1749 Main Street
- Request for Determination of Applicability for 2 Patricks Drive
- Request for Determination of Applicability for 4 Patricks Drive
- Revised plan set and response to DEP comments for Mulberry Solar and supporting documents
- Notice of Intent for 6 Lake Shore Drive and supporting documents
- Public Hearing regarding Stiles Dam and supporting documents
- Public Hearing regarding Boutilier Solar 3 and supporting documents
- Meeting Minutes dated 8/23/18
- Letter to Conservation Commission from EcoTec, Inc. regarding Oak Ridge Estates project status update

Documents submitted at meeting:

- Letter from Matthew S. Marro Environmental Consulting regarding Stiles Reservoir
- Copy of letter to abutters regarding Stiles Reservoir

**Town of Leicester Conservation Commission
Meeting Minutes
November 14, 2018**

MEMBERS PRESENT: Stephan Parretti, Chair; John Marc-Aurele, JoAnn Schold, James Cooper

MEMBERS ABSENT: None

IN ATTENDANCE: Michelle Buck, Town Planner and Wanda Merced, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

1. **Certificate of Compliance**
 - a) 470 Pleasant Street (197-0172)
2. **Request for Determination of Applicability (RDA)**
 - n/a
3. **Notice of Intent(NOI)**
 - a) Stafford/Wilson Extension Request (single-family home), DEP #197-0541
 - b) 500 Boutilier Solar (solar farm) continued, DEP #197-0640
 - c) 25 Lakeview Drive (house renovation/septic), DEP #197-0639
4. **Approval of Minutes**
 - October 24, 2018
5. **Board Discussion/Miscellaneous**
 - a) Ratify Airport Emergency Certificate
 - b) 211 Baldwin Street
 - c) 315 River Street
 - d) Auburn Solar Farm
 - e) Miscellaneous Project Updates/Site Inspection Updates

Notice of Intent: 25 Lakeview Drive (house renovation/septic), DEP#197-0639

Mr. Parretti read the notice into record.

Jason Dubois of DC Engineering & Survey, Inc. was present and submitted the Certificates of Mailing. Mr. Dubois discussed the property renovation and stated that they are looking to put a septic system across the street, which is outside the buffer zone. Mr. Dubois said that because of the location of the proposed driveway and the placement of the septic tank across the street, some trees will have to be removed to fit the pump tanks. He pointed out the proposed deck placement and the proposed retaining walls and stated that erosion controls are in place around the entire site. He stated that the site is currently a mixture of grass with scattered trees.

Mr. Parretti asked if the Board of Health is working on this with regards to the septic and Ms. Buck responded saying that they have not submitted to ZBA yet.

Ms. Schold asked if the previous owners were given a DEP number and Mr. Dubois said yes. Ms. Schold stated that there can't be two separate DEP numbers on the same property address. Mr. Marc-Aurele explained that the Order of Conditions is on the property not on the owner. Mr. Marc-Aurele asked if any work has been done and Ms. Schold confirmed that she was there today and no work had been done. Ms. Schold suggested that they look at the original Order of Conditions because it's very similar to what they are proposing here. She stated that they may

need to just do an amendment. Mr. Marc-Aurele said they'd have to close the previous DEP number first.

Mr. Marc-Aurele asked if the retaining walls are inside or outside the buffer zone and Mr. Dubois stated that they are inside the buffer zone and confirmed no work is taking place near water. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

Mr. Parretti asked if Mr. Dubois wanted to continue this hearing to give him time to find out about the DEP issue and Mr. Dubois agreed to the continuance. Mr. Parretti also suggested that Mr. Dubois have DEP close out the old number.

Ms. Schold asked Ms. Buck if there was a way to check to see if there is an NOI already on this property and do they cross-reference? Ms. Buck said the database would need to be searched (it doesn't automatically check for prior Orders on the same property).

The Board continued the hearing so that Mr. Dubois can research the DEP issue.

Certificate of Compliance, 470 Pleasant Street (Applicant: Ann Coomey)

Glenn Krevosky of EBT Environmental Consultants, Inc. discussed the Order of Conditions that hadn't been closed out and his clients now want to sell the property. He explained that lawn clippings and leaves had accumulated over the years but that fill has since been removed. Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public.

MOTION: Mr. Marc-Aurele motioned to approve a Certificate of Compliance for 470 Pleasant Street.

SECOND: Ms. Schold

VOTE: All in favor

Notice of Intent: Stafford/Wilson Extension Request (single-family home), DEP#197-0541

Matthew Marro, Environmental Consultant who has been monitoring the project, discussed the need for the extension and submitted his site visit details taken on 10/12/2018. Mr. Parretti asked if the owner has built anything yet and Mr. Marro stated that his client hasn't built his home yet. Ms. Schold stated that there is equipment stored on the property and Mr. Marro confirmed that. Mr. Marro said that he has been going every month for inspections as required. He said that erosion issue has been addressed with a silt fence and hay bales and are working well. Mr. Parretti asked if he is going to starting building something sooner than later and Mr. Marro said yes. Mr. Marro said a single-family home is planned to be constructed in 2019.

Ms. Buck wanted to make some clarification and stated that even though it is this Commission's first extension, it was originally extended by 4 years through the Permit Extension Act back in 2012.

Mr. Parretti asked if anyone from the public had any comments. Mark Kall of 41 Virginia Drive asked the Board if they knew what was going on at the site and if they knew that there were logging trucks at all hours and large equipment kept at the site. Ms. Schold asked if this activity was recent or from a year ago and Mr. Kall stated that it had been within the last two weeks. Ms.

Schold stated that there were complaints about a year and a half ago about the property owner removing trees that he shouldn't have and the Board put a stop to that. Ms. Schold asked Mr. Marro if the owner is using the property as a "landing site" and Mr. Marro said that he was not. Mr. Marro explained that the owner did store tree trunks, which have since been removed. He further explained that the property owner does store some equipment on the property because he lost available storage that he was renting.

Ms. Schold stated that she was not sure if the property owner is allowed to store equipment on his property or not. She told Mr. Kall that the issue of storing equipment on the property is an issue for the Building Inspector. Ms. Schold reiterated to Mr. Kall that the storing of equipment is not a Conservation Commission issue.

Mr. Parretti told Mr. Kall that the applicant was here for the construction of a single-family home and nothing bigger. Mr. Kall asked about the access to the property and Ms. Schold said his driveway is on Stafford Street. Mr. Marro confirmed that access is located at 911 Stafford Street.

Mr. Parretti stated that he doesn't see a problem with the extension because it's only a single-family home. Mr. Kall asked if there was also a barn on the property and the Board confirmed that there is also a barn on the property. Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Ms. Schold motioned to approve the extension for 911 Stafford Street.

SECOND: Mr. Marc-Aurele.

VOTE: All in favor.

Notice of Intent: 500 Boutilier Solar (solar farm), continued, DEP#197-0640

Chris Anderson of Zero Point Energy Solutions III, LLC was present and stated that a DEP number had been assigned along with comments. Mr. Anderson distributed a revised Narrative for the Notice of Intent showing "**NO** work within 25-feet of the BVW". He also distributed copies of DEP's comments and his responses to those comments to the Board.

Mr. Anderson discussed the site and reviewed the proposed project. He stated that stormwater management is currently being reviewed by Quinn Engineering. Mr. Parretti inquired about the 25 foot no disturb zone and asked if absolutely no work was being done within that area and Mr. Anderson confirmed that was correct.

Mr. Parretti asked Mr. Anderson if he had sent his responses to DEP's comment to DEP and Mr. Anderson confirmed that he had not yet sent his responses to DEP. Mr. Parretti stated that the Board will need to hear from DEP regarding the responses submitted.

The Board reviewed and discussed each response with Mr. Anderson and Mr. Anderson clarified to the Board that this Notice of Intent is only for the solar array.

Ms. Schold mentioned that there is another solar property on Auburn Street that is having a lot of runoff issues. She stated that in the past few weeks there has been a lot of rain and asked Mr. Anderson if he's checked the area lately to make sure there isn't any run off issues. Mr.

Anderson answered that the storm water basins are designed to adequately accommodate the run off and there are no issues.

Ms. Schold asked if Kevin Quinn had looked at the stormwater issue and Ms. Buck said that he didn't have these comments yet. Ms. Buck explained that Mr. Quinn did an initial review and the applicant submitted the revised plans on Monday. Mr. Anderson stated that he will forward the comments to Mr. Quinn.

Mr. Parretti inquired about the right-of-way issue from the last meeting and asked Mr. Anderson if that had been resolved. Mr. Anderson told the Board that a professional land surveyor is actively looking into that issue. Mr. Parretti stated that this was not a Conservation Commission issue but he wants to make sure everyone is getting along. Ms. Buck stated that this issue has already been before the Planning Board and has been continued to December 4th.

Mr. Parretti asked if anyone from the public had any comments and there were no comments from the public. Mr. Parretti asked if there were any comments from the Board and Ms. Schold stated that she would like to see what both the DEP and Mr. Quinn have to say. Mr. Parretti stated that he was more interested in Mr. Anderson sending his responses to DEP for them to agree on or continue their conversation in order to alleviate any issues they may have. He said it would be nice to give DEP a chance to comment on the responses.

Mr. Anderson stated that they need to have Conservation Commission approval so they can schedule National Grid in a timely manner in order to hook up with them. Mr. Parretti stated he was surprised that they were not more concerned about the Planning Board's approval. Ms. Schold reiterated that she was not ready to vote until she hears from DEP about Mr. Anderson's comments. Mr. Parretti reviewed the comments again with the Board. Mr. Anderson stated that they plan to have the Stormwater Pollution and Prevention Plan (SWPPP) program in place so there will be regulation inspections to make sure there are no erosion issues. Mr. Marc-Aurele suggested making a conditional approval.

Mr. Marc-Aurele asked about the access road and Mr. Anderson answered that it would be a compact gravel access road with 12 inches of packed gravel. Mr. Marc-Aurele asked about the access to the site and Ms. Buck stated that it was complicated and said that the Planning Board views access sufficient for a solar farm only. She said that the Planning Board decision will likely be very specific on that point. Mr. Parretti asked if the access road will be extended and Ms. Buck replied that it would not be extended; they are doing nothing to the road. Ms. Buck explained that the Planning Board's approval and decision will be tightly written so that it will be access only for a solar farm.

Ms. Buck explained to the Board that the subdivision plan that they submitted recently is for the sole purpose for the zoning freeze. She reiterated that submission was only to be exempt from the solar farm moratorium; they don't actually plan to construct a subdivision.

Mr. Marc-Aurele commented that we don't know if they actually have access to this site. Ms. Buck stated that no one has ever questioned the right to pass and repass on this road. She said it would probably take a court case to determine the final status of this road.

Ms. Schold asked Ms. Buck when the next meeting would be in December. Ms. Buck answered December 12th and Ms. Schold asked if the meeting could be pushed to December 19th. Ms. Schold commented that she did not want to be put under the gun to make a decision because the applicant is saying they need approval tonight because of National Grid. Ms. Schold stated that she wants to hear comments back from DEP. She stated that the responses were just submitted today and told Mr. Anderson that he should have submitted his responses two weeks ago so the Board would have had comments back from DEP. Mr. Parretti stated he did not disagree with her comments.

Mr. Marc-Aurele stated he felt the Board could condition the approval to protect the Commission and to protect the site. He said he is fine with making a decision on conditional approval. Mr. Parretti stated that the conditional approval would be based on stormwater management, DEP comments and Quinn Engineering's comments. Mr. Cooper agreed with Mr. Marc-Aurele.

Mr. Parretti again asked if there were any further questions or comments from the public and there were none.

MOTION: Mr. Marc-Aurele motioned to approve the Notice of Intent for the Solar Farm #3 on Boutilier Road subject to our normal construction site Order of Conditions, including also a moratorium on any future expansion or tree removal within the 25 foot buffer zone, including a copy of the General Construction Permit being submitted, along with notification of receipt of submittal to the Conservation Commission, as well as a copy of the SWPPP and that this be conditional upon approval from the Planning Board.

SECOND: Mr. Cooper

VOTE: Mr. Parretti, Mr. Marc-Aurele and Mr. Cooper in favor and Mr. Schold abstained.

BOARD DISCUSSION/MISCELLANEOUS

Ratify Airport Emergency Certificate

Emergency Certificate discussed. Ms. Buck stated that when an Emergency Certificate is approved outside of a meeting, it needs to be ratified by the Board at the next meeting. The Board signed the certificate to ratify it.

MOTION: Ms. Schold motioned to ratify the Airport Emergency Certificate.

SECOND: Mr. Marc-Aurele

VOTE: All in favor.

211 Baldwin Street

Ms. Buck discussed the complaint received from Robert Fournier. Ms. Buck told the Board that she spoke with the owner in August who indicated that she was only doing minor clearing work. Mr. Buck said that the Board asked her to notify DCR to have them look into it and she has notified DCR. Mr. Parretti stated that this was not a Conservation Commission issue and that DCR will look into it and do their part.

315 River Street

Ms. Schold stated that she went to the property and it is good and almost completed.

Auburn Solar Farm

Ms. Buck stated that she sent a letter out a week ago to the new owner, Clean Capital. She received an email response saying their technicians are taking care of the issue now. Ms. Schold stated that she went by the other day and said it's still a mess. Mr. Parretti stated that he hasn't been by in a couple of weeks but understands nothing has changed. Mr. Marc-Aurele stated that he hasn't noticed any new material coming down but they still have not addressed the issues. Ms. Schold said she noticed silt still coming down from that site. Mr. Parretti suggested that every Board member make an effort to take a look and exchange emails on what they've seen. Mr. Parretti said once everyone has reviewed the site and if debris is getting on the roadway, he suggested sending a letter to them saying they need to fix the issues by a date specific time and failure to do so will result in a fine of \$300 a day.

Miscellaneous Project Updates/Site Inspection Updates

Stiles Reservoir

Ms. Buck said Robert Fournier is appealing the Order of Conditions for the drawdown. Ms. Buck passed out the email that she just received that afternoon from DEP about a request to extend the drawdown for the Board to discuss. Mr. Parretti stated that if DEP is looking for a comment from the Board, he said the Board should tell them that it's his recollection that DEP's general recommendation is not to extend these lake approvals indefinitely and ask them why they are extending one that has already gone on for 12 years now. Ms. Schold asked why they haven't done an NOI with the Conservation Commission and why are they still under a Superseding Order? Mr. Marc-Aurele stated that the Board should comment that they have received the request to extend the drawdown for Stiles Lake and they suggest it only be related to construction and repairs and not extend the general drawdown.

2 Patricks Drive

Ms. Schold stated that this property is a mess. She said the owner still hasn't put any grass seed or anything down and the mud is still going into the basin. Ms. Schold said she will take some pictures to see what the Board thinks.

Approval of Minutes: October 24, 2018

MOTION: Mr. Marc-Aurele moved to approve the minutes of October 24, 2018.

SECOND: Ms. Schold

VOTE: All in favor.

Next meeting December 19th.

MOTION: Mr. Marc-Aurele moved to adjourn.

SECOND: Ms. Schold

VOTE: All in favor.

The meeting adjourned at 7:55 PM.

Respectfully submitted:

Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Letter to Commission from Glenn E. Krevosky dated 10/31/2018 requesting a Certificate of Compliance for 470 Pleasant Street DEP#197-0172 and supporting documents
- Email to Commission from Matthew S. Marro requesting an extension for Order of Conditions for Stafford Street DEP#197-0541 and supporting documents
- Comments from DEP for 500 Boutillier Road DEP#197-0640
- Notice of Intent for 25 Lakeview Drive and supporting documents
- Meeting Minutes dated 10/24/18
- Emergency Certificate for breaching of beaver dam at Worcester Airport

Documents submitted at meeting:

- Report to Conservation Commission dated November 14, 2018 from Matthew Marro regarding 911 Stafford Street DEP #197-0541
- Revised Narrative through November 14, 2018 for Boutillier Solar 3/500 Boutillier Road DEP #197-0640
- Responses from Hannigan Engineering, Inc. to DEP's comments dated November 14, 2018 for Boutillier Solar 3/500 Boutillier Road DEP #197-0640
- Extension request from DEP dated November 9, 2018 regarding Stiles Lake DEP #197-0391

**Town of Leicester Conservation Commission
Meeting Minutes
December 19, 2018**

MEMBERS PRESENT: Stephan Parretti, Chair; JoAnn Schold, James Cooper

MEMBERS ABSENT: John Marc-Aurele

IN ATTENDANCE: Michelle Buck, Town Planner and Wanda Merced, Department Assistant

MEETING TIME: 6:30 PM

AGENDA:

1. **Certificate of Compliance**
 - a)
2. **Request for Determination of Applicability (RDA)**
 - a) Town Beach Road (utility line extension)/Mass Electric Company
3. **Notice of Intent(NOI)**
 - a) 25 Lakeview Drive *continued* (house renovation/septic), DEP#197-0639 (also Certificate of Compliance for DEP#197-0605)
 - b) 20 King Street Extension (construct a new garage), DEP#197-0641
 - c) Oak Bluff Lane Definitive Subdivision (6 lot residential subdivision)
 - d) Pine Street, Map 41, Parcel 4.3 (lake access)
4. **Approval of Minutes**
 - 11/14/2018
5. **Board Discussion/Miscellaneous**
 - a) Auburn Solar Farm
 - b) Chapter 61/61B Request, Parker Street
 - c) Miscellaneous Project Updates/Site Inspection Updates

Request for Determination of Applicability (RDA)

Town Beach Road (utility line extension)/Mass Electric Company

Mr. Parretti read the notice into record.

Kaitlyn Rimol of BSC Group was present on behalf of National Grid and submitted Certified Mailings. She explained that the work to take place involves pole installation. She said that four (4) new poles will be installed within the buffer zone with no tree removal to take place and no impact to the stream. Mr. Parretti asked if the new poles were going to be installed close to the existing poles that are located in the woods. Ms. Rimol responded no and said the new poles will be installed near the road.

Ms. Schold asked what would be happening with the existing poles. Ms. Rimol answered that National Grid does pole installation and the telephone company is responsible for removing them. She reiterated that they are only involved with installation and not removal. She explained that the existing poles have been there for so long and may even be located on private property. Ms. Schold asked when they would start the work and Ms. Rimol answered that it would be sooner than later. Mr. Parretti stated that he wanted a condition regarding the removal of extra spoils from the auger work and Ms. Rimol answered that was fine.

Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Ms. Schold moved to make a Negative 3 determination on the RDA for Town Beach Road that the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions that after auger use is completed for installing telephone poles, the remaining soil left behind (auger spoils) will need to be removed (to upland areas). The area shall be suitably stabilized upon completion of the work.

SECOND: Mr. Cooper

VOTE: All in favor

Notice of Intent (NOI)

25 Lakeview Drive *continued* (house renovation/septic), DEP#197-0639 (also Certificate of Compliance for DEP#197-0605)

Jason Dubois of DC Engineering & Survey, Inc. was present and reviewed the project with the Board. Mr. Dubois explained they want to do an addition with a new deck and retaining walls. He said that the septic system will be added across the street. He explained that some tree removal and grading around the driveway will take place. Ms. Schold asked if any trees are being cut by the water and Mr. Dubois responded no. Mr. Dubois commented that the retaining walls are more decorative than anything. Mr. Parretti asked if there were any comments from DEP for DEP#197-0639 and Mr. Dubois said no.

Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Mr. Cooper motioned to approve a Certificate of Compliance for 25 Lakeview Drive (DEP #197-0605)

SECOND: Ms. Schold

VOTE: All in favor

MOTION: Mr. Cooper motioned to approve the NOI for 25 Lakeview Drive (DEP #197-0639) with normal conditions.

SECOND: Ms. Schold

VOTE: All in favor

Notice of Intent (NOI)

20 King Street Extension (construct a new garage), DEP#197-0641

Mr. Parretti read the notice into record.

Bryan Hill of Land Planning, Inc. was present for the Applicant (Robert Norquist). Mr. Hill reviewed the project with the Board. He explained that they will be constructing a new garage and stated that all of the work is in the buffer zone. Mr. Parretti asked if there are any wetlands on the property and Mr. Hill responded no (wetlands are on other property).

Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Ms. Schold motioned to approve the NOI for 20 King Street Extension with normal conditions.

SECOND: Mr. Cooper

VOTE: All in favor

Notice of Intent (NOI)

Oak Bluff Lane Definitive Subdivision (6 lot residential subdivision)

Continued to the next meeting on January 9, 2019.

Notice of Intent (NOI) Pine Street, Map 41, Parcel 4.3 (lake access)

Mr. Parretti read the notice into record.

Brian MacEwen of GRAZ Engineering, LLC was present and submitted the Certificates of Mailing. Mr. MacEwen reviewed the project with the Board. He stated that there are two Orders on the property, one for Spencer and one for Leicester. He said that the current owner wants access down to the lake. Mr. MacEwen explained that they would be using the existing gravel drive at the Pine Street entrance and it will continue along parallel with the existing contours. He said they are also proposing a turnaround area and a 20 foot wide beach along the lake front.

Mr. Parretti asked if there were any comments from DEP. Mr. MacEwen answered that the only comment they had was in regards to if bank alterations exceed 10% of bank on lot and Mr. MacEwen stated that all the work is under the 10% threshold. Mr. Parretti asked if all the work to be done will be in Leicester and Mr. MacEwen answered yes.

Mr. Parretti asked if there were any further comments from the public and there were no further comments.

MOTION: Mr. Cooper motioned to approve the NOI for the Pine Street, Map 41, Parcel 4.3 (102 Chickering Road, Spencer) with a special condition that bank alteration shall not exceed 10% of bank on the lot.

SECOND: Ms. Schold

VOTE: All in favor

Approval of Minutes: November 14, 2018

MOTION: Ms. Schold moved to approve the minutes of November 14, 2018.

SECOND: Mr. Cooper

VOTE: All in favor

BOARD DISCUSSION/MISCELLANEOUS

Auburn Solar Farm

Ms. Buck received an email regarding the bond. Ms. Schold stated that she was just at the property and the erosion is still happening. Ms. Buck stated that Clean Capital, the owners, told her that they were working on the issue. Ms. Schold commented that they haven't done anything about the erosion. Mr. Parretti told Ms. Buck to send a second letter telling them that previous efforts to rectify this have been ignored. He further said to tell them that if they do not rectify

and stabilize the site by January 9, 2019 and if they do not attend the next meeting on January 9th with a plan on how they will continue to stabilize the site, they will be fined \$300.00 a day.

Parker Street Chapter 61/61B Request

Ms. Buck told the Board that she received a request from Webster First Federal Credit Union to remove land on Parker Street from Chapter 61/61B tax status. She said that the Conservation Commission has an opportunity to comment. The Board said they had no comment.

Miscellaneous Project Updates/Site Inspection Updates

Oak Ridge Estates

Mr. Parretti stated that they received a status report from Arthur Allen dated December 6, 2018.

Stafford Street

Ms. Schold stated that they received an update from Matthew Marro dated December 14, 2018.

New Board Member

Mr. Cooper asked if there will be another member added soon. Ms. Buck said that there are no new potential members for the Board.

Next meeting January 9, 2019.

MOTION: Mr. Cooper moved to adjourn.

SECOND: Ms. Schold

VOTE: All in favor

The meeting adjourned at 7:25 PM.

Respectfully submitted:

Wanda Merced, Department Assistant

Documents included in meeting packet:

- Agenda
- Request for Determination of Availability for Town Beach Road and supporting documents
- Request for Certificate of Compliance for 25 Lakeview Drive (DEP #197-0605) and supporting documents
- Notice of Intent for 20 King Street Extension and supporting documents
- Notice of Intent for Oak Bluff Lane Definitive Subdivision and supporting documents
- Notice of Intent for Pine Street 41-C2.3 and supporting documents
- Meeting Minutes dated 11/14/2018
- Status Report for Oak Ridge Estates – Virginia Drive, Leicester from Arthur Allen dated December 6, 2018

Documents submitted at meeting:

- N/A

* * * Communication Result Report (Apr. 8. 2019 3:23PM) * * *

1)
2)

Date/Time: Apr. 8. 2019 3:19PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
1026 Memory TX	917747458210	P. 28	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax

**Leicester
Conservation
Commission**

Memo

To: Bob Fournier
774-745-8210
From: Conservation Commission
Date: 4/8/2019
Re: Public Record Request
Meeting Minutes

Attached are approved meeting minutes from August 23, 2018 to present as requested.

The meeting minutes for September 12, 2018, January 9, 2019 and March 13, 2019 are still pending approval.