



Bob Fournier  
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Veteran

Offering Disciplines in  
Science & Environmental  
Engineering Services  
Fax: 774-745-8210

To: Leicester Con Com.	Date: 11-7-17
Attn: Clerk Barker	From: Bob Fournier
Fax #: 508-8927020	Pages: 1 @ 6:53 AM

## Public Records Request

Kindly transmit by fax copies of  
Con. Com. Minutes of meetings  
after January 8, 2017 accordingly.

Thank you for your consideration

Bob Fournier

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FACILITY



**Town of Leicester  
PLANNING BOARD**

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Phone: 508-892-7007 Fax: 508-892-7070

[www.leicesterma.org](http://www.leicesterma.org)

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**FAX TRANSMITTAL**

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Date: 11/8/2017

Number of Pages (Including Cover): 41

**Sent To:**

Name: Bob Fournier  
Fax Number: 774-745-8210

**Sent By:**

Name: Barbara Knox,  
Conservation Commission  
Phone Number: 508-892-7007  
Fax Number: 508-892-7070  
Email: [knoxb@leicesterma.org](mailto:knoxb@leicesterma.org)

**Re: PUBLIC RECORDS REQUEST**

Per your request, I am transmitting by fax, copies of the Conservation Commission Minutes February thru September 2017.

\* \* \* Communication Result Report ( Nov. 8. 2017 3:56PM ) \* \* \*

1)  
2)


Date/Time: Nov. 8. 2017 3:53PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
3031	Memory TX	917747458210	P. 19	OK	

## Reason for error

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Fax: 774-745-8210

To: <i>Service in Pan. Comm</i>	Date: <i>11-7-17</i>
Attn: <i>Clerk Barbara</i>	From: <i>Bob Fournier</i>
Fax #: <i>508-885-5232</i>	Pages: <i>1 @ 6:53 AM</i>

*Public Records Request*

*Kindly transmit by fax copies of  
Pan. Comm. Minutes of meetings  
after January 8, 2017 accordingly.*

*Thank you for your consideration*

*Bob Fournier*

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\* \* \* Communication Result Report ( Nov. 8. 2017 3:59PM ) \* \* \*

1)  
2)

Date/Time: Nov. 8. 2017 3:56PM

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## Reason for error

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**Conservation Commission  
Meeting Minutes**

Minutes of May 17, 2017

Members present: John Marc Aurele, Joshua Soojian, Jim Cooper,Members absent: Steve Parretti, JoAnn Schold

Meeting called to order at 6:31PM

Certificate of Compliance3 Hemlock Street (DEP#197-0550)

Postponed

Determination of Applicability6 Sandy Circle-Installation of pool

Peter Hochard in attendance.

Mr. Marc Aurele read the Notice into the record and then opened discussion to the applicant.

Mr. Hochard was requesting to install a 18 x 32 In-ground Pool with a patio and fence to be located in back yard. There is a split fence already in place on the property.

Hearing no further comments from the Board or Public, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Soojian moved recommend a Negative Determination #3 "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: install erosion control prior to the start of work and keep maintained until grading is stabilized.

SECONDED: Mr. Cooper - Discussion: None - VOTE: All in Favor

Wildwood Lane-relocate shed

Put on wrong agenda

Notice of IntentSikes Reservoir-Aquatic Plant Management Program

Mr. Marc Aurele read the Notice into the record and then opened discussion to the applicant.

Ms. Amanda Mahaney of Solitude Lake Management in attendance

The Sikes Lake Water District would like to initiate an aquatic plant management program through the use of US DEP/MA.DAR registered herbicides and algacides to manage non-native and nuisance vegetation. They propose to treat up to, but not completely directed out as part of the 50-acres of variable watermilfoil.

DEP has not issued a number. An application is considered not complete without a DEP number. The hearing will be continued to June 14<sup>th</sup>.

**Conservation Commission  
Meeting Minutes**

Minutes of February 8, 2017

Members Present: Steve Parretti, Chair; John Marc Aurele, Joshua Soojian, Jim Cooper, and JoAnn Schold

Meeting called to order at 6:33PM

**Certificate of Compliance**

Boutilier Estates – ZPT Energy Solutions, LLC

Mr. Ernest Mylar made the presentation on behalf of ZPT Energy Solutions.

They are requesting a Certificate of Compliance on an Order of Conditions that was in effect on the original Subdivision approval known as Boutilier Estates DEP File#197-0517.

Boutilier Estates is being rescinded through the Planning Board and they needed to file a request for Certificate of Compliance from Conservation in order for the Bank to release the mortgage on Boutilier Estates.

A letter from Hannigan Engineering, attached with their request, confirms work under the original subdivision approval was never done.

Hearing no further comments from the Board or public, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the Certificate of Compliance for Boutilier Estates Subdivision DEP File#197-0517

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Certificate of Compliance**

10 Sabina Circle, Lot 9 – Steven Gallo, R.H. Gallo Builders

A Certificate of Compliance, previously issued, referenced the wrong Book and Page. This is a reissue of that Certificate referencing the correct Book and Page.

Hearing no comment from the Board or public, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to reissue the Certificate of Compliance for 10 Sabina Circle

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Notice of Intent**

25 Lakeview Drive Cont (demo, renovate, construct addition onto home)

Mr. Jason Dubois, DC Engineering, Bill & Pam Keyes in attendance.

Mr. Dubois presented the application request.

Continued from last meeting because no DEP number was issued at that time.

The applicant was looking to put an addition on the existing house, change the 3-season room to a full time living area, put in a paved patio along the water, replace the landscaping wall in the same area as the patio, remove the boat house and put in a boat ramp at the water and remove two trees.

Ms. Schold inspected the site and had no further comments.

Mr. Marc Aurele asked for the healthy tree by the patio not be removed and the retaining wall be moved back to the healthy tree, so it continues to provide shade and protection to the waterfront.

Mr. Dubois explained the location of the tree being in the middle of the patio and has gotten big over the years that it now blocks that entire side. It would also be in the way of the retaining wall being constructed.

Mr. Marc Aurele concern was removal of that tree would create an area of erosion.

Mr. Dubois said by putting the retaining wall in, they can slop it level. The grade behind the wall won't be changed much.

Mr. Marc Aurele asked the wall be pulled back a foot from the patio and place crushed stoned between, to catch any flow coming off the patio from entering the water.

Mr. Dubois noted they were before the Zoning Board for a variance on the garage and asked about moving the garage into the buffer zone that would be approximately 70-feet from the water.

The Commission agreed they should continue this hearing until after the Zoning Board meeting.

Mr. Dubois asked for a continuance to March 15<sup>th</sup>.

Hearing no further comments from the Board or public, discussion continued to March 15<sup>th</sup>.

### **Notice of Intent**

#### **63 Fairview Drive (modifying retaining wall location)**

Mr. Parretti read the Hearing Notice into record and then opened discussion to the applicant.

Mr. Robert Cote in attendance.

Mr. Cote is requesting to take down the existing stonewall, cutting back into the property by 6-feet. There are no plans to change the grade or ground, just moving the wall out of the way.

There is an existing slope and they will continue along that slope.

After some discussion, it was agreed they will need to slope back to some degree.

Mr. Cote noted having 60-70 feet of waterfront.

He wants to move the wall away from his neighbor's property and make enough room for his boat and to bring his boat trailer down to the water.

Mr. Parretti noted this being a bank alteration, but a permissible alteration.

Mr. Ray Gaulin, 57 Fairview Drive had concern with altering the shoreline and creating erosion problems.

Mr. Parretti had spoken with DEP on what was permissible and non-permissible. He explained that if someone were to alter a bank, sloping it away from the water and not going below the current water level, was permissible, but putting riprap or grass right up to the bank, would not be permissible. All disturb area of the retaining wall and any material coming out needs to be sand from closet point of house, towards the water, the wall being the limit of disturbance. The preference would be putting down more beach sand along the side where the bank was located, from the wall to the property, because then it would be less likely to cause erosion from the organic material that might be there when moving the wall.

DEP guidelines say an alteration of a bank can't be any greater than 50-feet or 10% of whatever the frontage is on the water, whichever was the least.

This application shows amount of disturbance being 30-feet, and while 30-feet is less than 50-feet, 10% of 70-foot waterfront is 7%. If a decision was made in favor, and if the decision were to be appealed to DEP, DEP noted they would look at this as being access to a property and would defer it back to the Board.

Mr. Tommy Lee, 61 Fairview Drive noted not having an issue with the proposal, but wanted to make one clarification that the lake was currently down 36 inches and when full in the summer, the lake comes up 24 inches on that retaining wall. Although he had no issue with the wall modification, the retaining wall does sit in the water and holds the lake back.

Ms. Corey Lee, 61 Fairview Drive noted when the new development at the end of Fairview Drive was built, DEP was very strict limiting the property owners to 10% of their land. She felt regulations were in place for a reason and if those property owners were forced to abide by those regulations, all lakefront property owners should have to abide by those regulations.

Mr. Parretti explained he could not speak to what DEP did or did not do when the new development was built. He can only speak on the conversation he had with DEP. At no time did DEP say they were opposed to this project or had an issue.

Mr. Ray Gaulin, 57 Fairview Drive said the wall was currently in the water when the water level was up. If the wall gets moved, the water will go back up that slope. He asked when the wall is taken out and put back in, will the clay be removed underneath and sand put back in. Mr. Parretti explained beach sand would go on top to a level keeping it from eroding.

The Commission agreed more detailed engineering plans were needed that show grading, the slope change and how they plan to deal with the siltation. Also, getting better clarification, in writing from DEP, their interpretation on the 50-foot versus 10% guideline and what was permissible work.

Discussion continued to March 15<sup>th</sup>.

### **Notice of Intent**

#### 1136 Main Street (Leicester Library renovations/addition)

Mr. Parretti read the Hearing Notice into the record and then opened discussion to the applicant.

Mr. Christopher Garcia of Garcia, Galuska, DeSousa, Inc in attendance.

Mr. Garcia represented the Town of Leicester and made the presentation.

This is for the renovation and addition of existing library building with new utilities, walkways, driveways and parking area.

Wetlands are delineated on the plan and the resource area sits right off the property line north of the site. The existing building is approximately 7,600-square feet in footprint and has 7000-square feet impervious coverage and they are proposing an 8,900 square foot addition off the north end. They plan to close off the existing curb cut on the east side and create a new curb cut on the west side with a two-way entrance and parking area in the rear.

The new driveway will pitch down to the rear of the building. They plan to remove existing fill and reuse the fill to level the parking lot making it more accessible. In order to do that grading, they will need to put in a retaining wall around the side rear of the property. The parking lot will be within the 100-foot buffer.

Currently, there is no drainage on site for the parking lot and they are required to meet Stormwater Regulations. This will be going through Site Plan Review process with the Planning Board.

Impervious coverage added is roughly 20,000-square feet, which is an increase of 75% and they will be going through the Zoning Board of Appeals for that approval on impervious coverage.

Mr. Marc Aurele noted wetland impact was a minor part of this project and the bigger issues were with Planning & Zoning. He felt it would make sense for this to go through Planning & Zoning first, because the plans may change. He suggested continuing to the next meeting on March 15<sup>th</sup>.

Mr. Kevin Mizikar asked if the Commission saw any issues that Planning or Zoning may want Conservation's opinion.

Mr. Marc Aurele said the project can't go any closer to the wetlands because of the property line. He didn't proceed anything either Board would come up with that would have a bigger impact than what was already being reviewed.

Discussion continued to March 15<sup>th</sup>.

### **Request for Determination of Applicability**

#### **0 Mulberry Street (Solar array project)**

Mr. Marc Aurele stepped down as voting member because of being an abutter.

Mr. Parretti read the Hearing Notice into the record and then opened discussion to the applicant.

Ms. Meredith Borenstein, New England Environmental in attendance representing applicant.

They are proposing three new solar arrays located in the forested upland that consists of about 23-acres. Only the new access road will be located within the 100-foot Buffer Zone and will only intercepts the outer 50-feet. No wetland impacts proposed and no wetlands on the site where the solar array was going.

The project had received Planning Board & Stormwater approval.

Mr. Paul Carter, 204 Chapel Street was concerned with the effect water runoff will have to his property after the removal of all the tree. Water comes off that hill all year round going into his yard constantly. Once all the trees were gone, there will be nothing there to hold it back.

Mr. John Marc Aurele, 188 Chapel Street concern was not having a full set of plans to view and understand their request.

Ms. Schold agreed that the applicant needed to supply a full set of plans.

Mr. Cooper noted being unable to find the wetland boundary flags on the plan showing the distance of arrays from the wetlands.



Ms. Borenstein said they provided a plan showing the limit of work and anything within that area will be where the arrays go.

The Commission requested having a site meeting and a better set of plans showing the topographic lines, showing the slopes, the grading, the elevation changes and the distance from the wetlands

Mr. Marc Aurele, 188 Chapel Street asked if the adjacent properties around the perimeter of the site were included in the site walk and asked why the cellar hole was not regulated.

Mr. Borenstein said the adjacent properties were included and this cellar hole would not be regulated as a wetland, because it's so small, it's isolated and man-made.

Mr. Marc Aurele questioned whether the cellar hole be part of the stormwater review.

The Commissioners recommended continuing the meeting to March 15<sup>th</sup> in order to get DEP's opinion regarding the man-made cellar hole, to get a full set of plans and for the Commission to do a site walk inspection.

Mr. Logan Benoit, 190 Chapel Street found a yellow tag tied to one of the trees touching his shed at the property line and was concerned the buffer was being taken away from his property.

Ms. Laura Carter, 204 Chapel Street asked if abutters could be notified of the site walk.

Mr. Borenstein noted for the record the project was reviewed by the Planning Board and went through Stormwater review regarding runoff. The approval states that there would be no additional runoff to neighboring properties or streets.

Mr. Parretti recommended they keep check to the website because it would be posted.

Discussion to March 15<sup>th</sup>.

Mr. Marc Aurele returned to his seat on the Board.

### **Request for Determination of Applicability**

#### **61 Fairview Drive (privacy fence)**

Mr. Parretti read the Hearing Notice into the record and opened discussion to the applicant.

Mr. Tommy Lee and Ms. Corey Lee in attendance.

They want to install a privacy fence, which requires digging of posts holes within 100 feet of the lake, and to remove and relocate a young cherry tree. In addition, to repair or replace existing stonewall & retaining wall blocks behind existing shed.

They would like to install the fence as close to the high water mark they can.

Mr. Marc Aurele noted to keep the last fence post out of the high water mark.

Mr. Lee explained the repair to the retaining wall blocks behind the existing shed.

The shed is 40-feet off the water and the wall holds the earth back from the shed. It's restoration of an existing wall. The dirt will be pulled back behind the shed and there won't be any disturbance in front of the wall. There will be no slope change.

Mr. Ray Gaulin, 57 Fairview Drive and Mr. Mike Corby of 65 Fairview noted being in favor of the project.

Hearing no further discussion from the Board or public, Mr. Parretti asked for a motion.

MOTION: Mr. Soojian moved to recommend a Negative Determination #3 "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: Notify Conservation Commission prior to the start of work; no work beyond the High Water Mark and no sediment runoff to pond.”

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

### **Board Discussion**

#### Auburn Street (Kimball Moore)

Mr. Kimball Moore, Forester in attendance.

Forest cutting plan reviewed for an area on Auburn Street of 12.8 acres. Plans were submitted and approved by DCR. Starting date March 2017. The Commission advised a Forestry Sign be posted at road front.

#### Mass Fish & Wildlife Management Area Violation @ Moose Hill WMA

Mr. Bill Davis, Division of Fisheries and Wildlife & Mr. John True, Leicester Snowmobile Club in attendance.

Mr. Davis of the Division of Fisheries and Wildlife contacted the office after being notified by a hunter that a new section of trail was constructed/cut and a new bridge across an intermittent stream at the Moose Hill WMA adjacent to Moose Hill Road in Leicester. The slash was left in the brook downstream of the bridge.

He explained a license agreement was in place with the Spencer Snowbirds Snowmobile Club to allow them passage over the property via a single trail that crosses Moose Hill Road, to the private property on the other side that has been developed. A new section of trail was constructed in response to the loss of the former road crossing.

In response, the LCC office contacted Mr. Marc Curtis, adjacent property owner, for any information.

Mr. John True, Leicester Snowmobile Club, responded to the LCC office explaining he was the one responsible. He had permission from Marc Curtis to do work on his property, got confused with property lines, and thought he was still on Marc Curtis's property.

Mr. Parretti asked how Mass Wildlife wanted to move forward.

Mr. Davis explained Mass Wildlife suspended their agreement with the Spencer Snowbirds until the matter was resolved and will predicate their actions moving forward based on what LCC does in terms of the Wetland Protection Act violation.

Mr. Marc Aurele noted the Mass State Regs for wetlands did not say this could not be done, it just said in order for it to be done, it needed to be permitted properly.

The LCC can go one of two ways. 1) Have Mr. True clean and fully restore the area to the way it was; or 2) to impose a fine. The LCC could modify whatever decision made and try to hit the middle mark. Have Mr. True work something out with Mass Wildlife on whether or not it would be allowed to stay and if so, come back to LCC to discuss the conditions under which it needs to be retained.

Mass Wildlife had already requested Mr. True block that trail off. Mr. True explained putting up orange fencing at the Curtis property with a sign stating "Trail Closed." Also putting two additional Trail Closed signs on the Moose Hill property. He contacted the Spencer Snowbird club to place "Trail Closed" signs on the other end of the trail.

The Commission recommended within the next couple of weeks, Mr. True cleaning up the site by removing the brush and bridge from the stream. Mass Wildlife will allow the brush and logs placed to block the trail and further protect the stream and when timing is right, removing the old bridge from the site.

Ms. Schold asked what Mass Wildlife would like see done in addition to what was already agreed.

Mr. Davis would like to see the trail extension that was cut, mitigated with plantings at Mass Wildlife stipulations. To buy stock, at a vender of Mass Wildlife's designation and replant and reforest the area.

Mr. Parretti recommended LCC issue an Enforcement Order directing Mr. True to remove the bridge and brush as soon as practical. That the trail extension be restored with plantings to Mass Wildlife stipulations and under the direction of Mass Wildlife. In addition, an inspection and approval on the finished restoration by Mass Wildlife.

The Commissioners also agreed not imposing monetary penalties because Mr. True had shown willingness to work and showed an immediate cease and desist of the issue.

Mr. Davis noted there would be costs associated with purchasing the stock to revegetate this area and costs involved acquiring that stock. There also could be monetary penalties involved from the Environmental Police for violation of the Wildlife Management Laws.

He was supportive of LCC not imposing a fine.

#### Release of Performance Agreement for Boutilier Estates

MOTION: Mr. Marc Aurele moved to release the Performance Agreement for Boutilier Estate Subdivision for the sum of \$86,500.00, "Drawn Under Spencer Savings Bank Letter of Credit No. 1024304907 Dated, December 1, 2010."

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

#### **Minutes**

1/11/2107

MOTION: Ms. Schold moved to approve the minutes of January 11, 2017

SECONDED: Mr. Marc Aurele – Discussion: None – VOTE: All in Favor

MOTION: Mr. Marc Aurele moved to adjourn meeting

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Meeting adjourned at 9:00PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Conservation Commission  
Meeting Minutes**

Minutes of March 15, 2017

Members present: Steve Parretti, Chair; John Marc Aurele, Joshua Soojian,  
Jim Cooper arriving at 6:37PM

Members not present: JoAnn Schold

Meeting called to order at 6:35PM

**Request for Determination of Applicability**

0 Mulberry Street CONT (Solar array project)

In attendance: Meredith Borenstein, representing Cypress Creek Renewable, LLC

Copies of 11 x 17 plans submitted, as requested. DEP's determination on the cellar hole was it would not be regulated and considered, Isolated Land Subject to Flooding "an isolated depression without an inlet or outlet" and was not subject to the Wetlands Protection Act.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3 "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:

Erosion control to ensure no sediment degrades wetlands; no work allowed outside of what was shown on the approved plans; and no wetland to be filled."

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Notice of Intent**

25 Lakeview Drive CONT (demo, renovate, construct addition onto home)

In attendance: Jason Dubois, DC Engineering representing William & Pamela Keyes

Mr. Dubois explained the meeting was continued until after the Zoning Board Hearing regarding the Variance request for the garage.

The Building Inspector determined the garage as an accessory structure; therefore, would only require a special permit and not a variance. After said hearing with the Zoning Board, the special permit was approved for the garage.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the NOI for 25 Lakeview Drive, Leicester to William & Pamela Keyes, to demolish portions of the existing house; renovate & construct an addition onto existing house; demolish existing boathouse; construct a retaining wall & tree removal, per revised plans submitted on 3/15/2017. Including addition of a gravel drainage structure between the patio and retaining wall; & notification to the Conservation Office before the start of any work for Erosion Control site inspection.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

### **Notice of Intent**

#### **63 Fairview CONT (modifying retaining wall location)**

In attendance: Robert Cody, property owner & Barry Grenier, Contractor

The survey shows the existing property line 8-feet off the existing wall and they want to move the wall a maximum of 6-feet in to provide room to fit a 12-foot wide boatlift.

Regarding grading impact, the slope tapers down and will backfill with  $\frac{3}{4}$  stone and existing grass.

Plan submittal requirements discussed. DEP accepted original plan submittal.

Mr. Grenier explained they will be relocating 31-feet of the wall.

Mr. Parretti reviewed his conversation with DEP who didn't feel that there was an issue, as far as moving the wall back as it relates to wetland protection and was permissible. The only concern was the grading.

Mr. Grenier explained the slope will go back to a 90-degree angle & the wall to a straight vertical wall.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the NOI for 63 Fairview Drive to Robert Cody to straighten out 30-feet of existing retaining wall by 6-feet from the property line with the following conditions:

Siltation control be in place before start of work; call the Conservation office before the start of any work for a site inspection & make sure all work stays within the owners property boundaries.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Instructions given on the appeal process and the filing of this decision with the Registry of Deeds.

### **Notice of Intent**

#### **1136 Main Street CONT (Leicester library renovation/addition)**

Continued to April 12

### **Amend Order of Conditions**

#### **Worcester Airport Taxiway Project (DEP#197-0576)**

In attendance: Jim Stolecki of MassPort, Kyle Purdy of vhb, Environmental Scientists, Shawn Curley of RH White Co & Justin Block, Resident Engineer

The request is to amend the Order of Conditions for the CAT III ILS and Taxiway Project to include two items:

Revised dewatering procedures for the Taxiway MSE (Mechanically Stabilized Earth) Wall area, as approved by the Commission in an Emergency Certification issued January 23, 2017; & Permanent changes to the drainage system at the Glide Slope area, including permanent diversion of an intermittent stream.

The existing drainage that flows through the Glide Slope area will be diverted by blocking the outlet from the manhole. Temporary sumps will be installed at the low point behind the steel

sheeting, to facilitate dewatering this area. Water will be pumped to a 50x50 foot temporary basin, 6-feet in depth. From that storage basin, water will be pumped to two frac tanks and then into two weir boxes equipped with floc logs. When clear, water will be pumped to two dirt bags on a haybale/filter fabric base. Water will discharge from these dirt bags and flow overland across a grassed area, approximately 100-feet above a drainage swale that parallels the perimeter fence.

Because of the violation of discharge entering the wetlands, DEP had become continually involved to make sure there were no future violations.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the request to amend the Order of Conditions for the Worcester Regional Airport Taxiway Project to the follow up to the Emergency Certification issued on January 23, 2017 to create dewatering procedures for the Taxiway MSE Wall area and make permanent changes to the drainage system at the Glide Slope area. All conditions contained in the Original Order dated 4/27/2015 and amended 11/22/2016 apply to this amendment.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

### **Board Discussion:**

#### Miscellaneous

Ms. Donna Gilmore of 38 Cemetery Road, Charlton owns property on Greenville Pond.

The house on that site sits very close to the water. She inquired putting in a dock/deck extending from the house to the water.

The Commission recommended putting a plan together, showing the distance the deck would be from the water and bring to the Building Inspector for an opinion.

It was noted the filing of an RDA may be required.

#### Snowmobile club

In attendance: John True, Leicester Snowmobile Club

Memo from Bill Davis, District Manager of Mass Fishery & Wildlife Management. He stated having the opportunity to review work done by the Snowmobile Club removing the bridge over the intermittent stream and removal of tree sections, tops and brush from the intermittent stream. He was waiting for feedback from the Conservation Commission regarding compliance with their Enforcement Order.

After some discussion, the following motion made:

MOTION: Mr. Marc Aurele moved to send a letter to Bill Davis of Mass Wildlife stating, it was in the opinion of the Conservation Commission that the Leicester Snowmobile Club has satisfactorily addressed the Commission's concerns and recommended Mr. True continues to work with Mass Wildlife. If any concerns arise in the future, not to hesitate contacting this office to help in any way. The Commission now considers this matter to be closed and fully in

the hands of the Snowmobile Club and Mass Wildlife, because the wetland issues have been addressed.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Mr. True asked the Commission for any information regarding selective tree cutting behind the Leicester Pumping Station on Pine Street. He was informed that Conservation had walked the site with someone inspecting where a bridge was located over a stream and tree cutting taking place.

The Commission had no knowledge on this issue and recommended contacting Kate Marquis, DCR Service Forester, who might provide insight on this issue.

### **Permit Extension Request**

#### **Sargent Pond, Order of Conditions DEP#197-463**

Marc Bellaud of Solitude Lake Management submitted, on behalf of the Sargent Pond Association, a request for a three-year extension to the current Order of Conditions, for the continued maintenance of the aquatic vegetation in Sargent Pond.

After some discussion, the Commission recommended sending a letter to Mr. Bellaud asking for a detailed report on what has been done to the pond, to supply those results to the Commission, along with a progress report on treatment of the lake. In addition, providing DEP's opinion on extending an 11-year old Order.

### **Board Discussion Cont.**

#### **Proposed replacement bridge (Rawson Street Bridge – MassDOT)**

An application by the Department of Transportation – Highway Division has been filed with the Department of Army Corps of Engineers regarding the replacement of the Rawson Street Bridge. The work is associated with the replacement of the bridge conveying Rawson Street over the Cedar Meadow Pond Inlet.

The Army Corps determined the proposed activity will have only minimal individual or cumulative environmental impacts; therefore, the work is authorized under General Permits for Massachusetts, under pre-construction notification process. A Work Start Notification Form is to be filed at least two weeks before the anticipated starting date. The authorization expires on 2/4/2020 and work must commence by that date and completed by 2/4/2021.

#### **Site Inspection Updates**

- Main Street property across from WalMart

A call received from Rose Dolan of the Burncoat Water Commission regarding the ongoing excavation of that site and the proximity to Burncoat Pond.

Upon inspection of the site, it was in the opinion of the Commission that the site was stable, there was no ongoing activity and that the site was approximately 2200-feet away from Burncoat Pond.



- 207 Main Street, Cherry Valley

Upon inspection on 3/6/2017, it was found the erosion control was clearly unstable and in need of immediate repair. A letter was sent to the property owners noting the violation and allowing 5-days to bring the site back into compliance.

- Main Street at Community Field

A call received regarding work at the site was encroaching within the wetland buffer. Upon inspection of the site, the work was still a good distance from any wetland area.

- Stiles Dam Update Report

Mr. Marc Aurele gave report and concurred with Pare' Engineering Corp weekly report updates.

### **Approval of Minutes**

2/8/2017

MOTION: Mr. Marc Aurele moved to approve the minutes of February 8, 2017 with minor corrections.

SECONDED: Mr. Soojian – Discussion: None - VOTE: All in Favor

Hearing no further comments, questions or concerns, Mr. Parretti asked for a motion to adjourn.

MOTION: Mr. Soojian moved to adjourn

SECONDED: Mr. Cooper –Discussion: None – Vote: All in Favor

Meeting adjourned at 7:45PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Conservation Commission  
Meeting Minutes**

Minutes of April 12, 2017

Members present: Steve Parretti, Chair; John Marc Aurele, Joshua Soojian, Jim Cooper arriving at 6:40PM, JoAnn Schold

Members not present:

Meeting called to order at 6:35PM

**Certificate of Compliance**

397 Mulberry Street

Mr. Glenn Krevosky of EBT Environmental Consultant in attendance.

This was for construction of a replication area to construct a driveway over the wetlands to gain access to the house. A letter attached from Coyle Engineering certifying the work and that it was completed in substantial compliance with the designed plan. The As Built Plans were also submitted with the request.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the Certificate of Compliance for 397 Mulberry Street

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

**Notice of Intent**

1136 Main Street Leicester Public CONT (Leicester library renovations/addition)

Mr. Christopher Garcia of Garcia, Galuska, DeSousa, Inc in attendance.

This was continued in order for the applicant to get the Planning Board and Zoning Board approvals. There were no major changes made to the plan.

The Towns' Engineer, Kevin Quinn, reviewed Stormwater Management and recommended they redevelop the infiltration rate in accordance with MassDEP.

Police & Fire also reviewed the plans and gave approval.

The wetlands are located off-site and all work will be within the Buffer Zone located in a portion of the rear parking area.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the NOI for 1136 Main Street, Leicester Public Library renovation/addition project with the following conditions, notification to office required for pre-construction site meeting; notification to office contractor's contact information; and approval contingent upon receiving a copy of revised approved plans.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

**Emergency Certificate**

Cherry Valley Rochdale Water District

Work request to be allowed is located on the east side of the Kettle Brook, excavating to a depth of 10-12 feet to repair the District's 8" water main. - Approved and Signed.

### **Permit Extension Request**

#### **Marlboro Drive (DEP#197-0571)**

Mr. Glenn Krevosky of EBT Environmental Consultant & Steve Petro, property owner in attendance.

The applicant is requesting a 3-year extension on the Order of Conditions for property located on Marlboro Drive to give more time marketing the property. There have been no change in plans and no work has started.

MOTION: Mr. Marc Aurele moved to approve an extension for 3-years to April 16, 2020 to Stephen Petro for property located at Marlboro Drive, Cherry Valley, DEP#197-0571

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

#### **90 & 92 Huntoon Highway (DEP#197-0525)**

Mr. Scott Morrison of EcoTec Environmental Consultant in attendance.

The applicant is requesting a 3-year extension on the Order of Conditions for property located at 90 & 92 Huntoon Highway. With economic conditions now improving, the owner wants to get this project moving and needs more time. Mr. Morrison noted the owners having a new address and company name change. There were change in the plans or the design of the building .

MOTION: Mr. Marc Aurele moved to approve an extension of 3-years to June 20, 2020 to Robert Sigel, ASR Realty Co., LLC for property located at 90 & 92 Huntoon Highway, Leicester, DEP#197-0525.

SECONDED: Ms. Schold – Discussion: Ms. Schold asked to document the name change from Robert Sigel, RDJ Realty to Robert Sigel, ASR Realty Co., LLC. – VOTE: All in Favor

### **Board Discussion**

#### **6 Sandy Circle (Peter Mouchard, installation of pool)**

Mr. Peter Mouchard, property owner in attendance.

Plans reviewed for the installation of an 18 x 32 in-ground pool within the 100-foot buffer. The Commission recommended to file a Request for Determination of Applicability on the proposed work.

#### **Conservation Staff Funding – (FY18 Budget)**

A letter received from Kevin Mizikar, Town Administrator regarding the FY18 Budget and supporting the use of \$3882.00 from the Town's Wetland Protection Act revolving fund account to cover the portion of the Conservation Agent's annual salary.

MOTION: Mr. Marc Aurele moved to approve the request the transfer of \$3882.00 from the Town's Wetland Protection Act revolving fund account to cover a portion of the FY18 annual salary budget.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

### Complaint - Clark Street

The complaint was regarding removal of trees, over a year ago, from the Clark Street lot in an area deemed as a wetland, and caused flooding to neighboring lots. The Commission addressed the issue of the work that was done last year and there has been no further work conducted in that area. A site visit conducted determined, due to recent heavy rains, was the cause of the flooding.

### Miscellaneous Projects/Site Inspection updates

- 207 Main Street

A site visit conducted determined the site was stable and in compliance with Erosion Control requirements.

- LaFlash Boutilier Solar

Mr. Ernest Mello of ZPT Energy in attendance.

ZPT was considering additional tree clearing on the site of an additional 2 acres, due to shading of the solar panels. They will cut trees over a foot in diameter and try to leave a 5-foot buffer. After further review of the plan, the Commissioners did not consider this a minor change and agreed it was a major site plan change. The Commission agreed a site visit was necessary. This proposal will clear the entire 25-foot No Disturb. It was recommended an amendment request be submitted, but noted a new NOI application may be required due to the amount of disturbance proposed.

- Bottomly Ave (beaver concern/yard flooding)

A site visit was conducted and acknowledges there was an issue, but not a Conservation issue. It was found there was no easy way to get to the beaver dam and the homeowner was advised to apply for a permit to have the beavers trapped and removed.

- 63 Fairview Drive NOI

Appeal filed with DEP. Waiting on comment from DEP.

- Brick City Mill Pond Dam

Notice received stating DCR issued a Certificate of Non-compliance and Dam Safety Order to the Brick City Mill Pond Dam located at 81 Chapel Street, Cherry Valley; owner, Davis Thach

- Natural Heritage and Endangered Species Program (NHESP)

The Draft Priority Habitat Map has been made available for public comment beginning April 3, 2017 and will end on June 3, 2017.

- Sargent Pond Permit Extension Request

An inquiry was sent to DEP regarding how often a permit should be extended. Sargent Pond Association was requesting an extension to their 11-year old permit, for another 3-years. DEP recommended they file a new NOI, due to the length of time from approval and condition changes in treating ponds.

Hearing no further questions, comments or concerns, Mr. Parretti asked for a motion to adjourn.

MOTION: Mr. Marc Aurele moved to adjourn meeting

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Meeting adjourned at 7:20PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

**Conservation Commission  
Meeting Minutes**

Minutes of May 17, 2017

Members present: John Marc Aurele, Joshua Soojian, Jim Cooper,

Members absent: Steve Parretti, JoAnn Schold

Meeting called to order at 6:31PM

**Certificate of Compliance**

3 Hemlock Street (DEP#197-0550)

Postponed

**Determination of Applicability**

6 Sandy Circle-installation of pool

Peter Hochard in attendance.

Mr. Marc Aurele read the Notice into the record and then opened discussion to the applicant.

Mr. Hochard was requesting to install a 18 x 32 In-ground Pool with a patio and fence to be located in back yard. There is a stilt fence already in place on the property.

Hearing no further comments from the Board or Public, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Soojian moved recommend a Negative Determination #3 "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: install erosion control prior to the start of work and keep maintained until grading is stabilized.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Wildwood Lane-relocate shed

Put on wrong agenda

**Notice of Intent**

Stiles Reservoir-Aquatic Plan Management Program

Mr. Marc Aurele read the Notice into the record and then opened discussion to the applicant.

Ms. Amanda Mahaney of Solitude Lake Management in attendance

The Stiles Lake Water District would like to initiate an aquatic plant management program through the use of US DEP/MA DAR registered herbicides and algaecides to manage non-native and nuisance vegetation. They propose to treat up to, but not completely directed out as part of the 50-acres of variable watermilfoil.

DEP has not issued a number. An application is considered not complete without a DEP number. The hearing will be continued to June 14<sup>th</sup>.

## **Amend Order of Conditions**

### LaFlash Boutilier Solar Project –ZPT Energy Solutions

Mr. Marc Aurele read the Notice into the record and then opened discussion to the applicant.

Mr. Ernie Mello of ZPT Energy Solutions in attendance.

They are requesting to perform trimming and select cutting of trees within the “No Disturb Zone” of approximately an additional 2-2 ½ acres. This is to increase the efficiency of the array and will include cutting of all trees larger than 15 feet to the stump and all evergreen species within the areas. Trees will cut to grade and stumps will remain. All trees smaller than 15-feet will cut to a height of 5-feet.

Mr. Mello was asked if it was taken into consideration the trees located outside the 25-foot being 15-feet or greater in height.

Mr. Mello explained according to their software program, their new calculations will be a benefit to them to cut what they can within the wetlands anything over 15-feet.

Mr. Edward Hill, 746 Stafford Street had concern losing the buffer from his property.

He did not want to see the project get closer to his house.

DEP was contacted for comment regarding extensive cutting within a No Disturb Zone and they felt with work this extensive, recommended a new NOI be filed.

Mr. Marc Aurele agreed with DEPs comment and explained proposing an additional 2 ½ acres would be 100% of the No Disturb Zone around the wetland area.

With that said, he would entertain a motion to deny the amendment.

MOTION: Mr. Soojian moved to Deny the Amendment to the Order of Conditions for LaFlash Boutilier Solar Project – ZPT Energy Solutions.

SECONDED: Mr. Cooper – Discussion: Mr. Marc Aurele noted if the applicant wanted to pursue they could do so by filing a Notice of Intent. VOTE: All in Favor

## **Approval of Minutes**

- 3/12/2017
- 4/12/2017

Tabled to next meeting.

## **Board Discussion**

- 63 Fairview Drive DEP appeal update

Site visit done with DEP on May 5<sup>th</sup> and currently still under reviewed.

- Snowmobile Club violation update

Snowmobile Club working with Mass Wildlife finishing up the planting required.

- Right of first refusal – 61A, 11 Green Street

Commission has no objection should the Town elect not to exercise first right of refusal in buying the land.

#### Miscellaneous Projects, Site Inspections & Project Reports & Updates

- 298 Clark Street complaint – send Mr. Marc Aurele copy of plans on file for site visit
- Rawson Street Bridge update – filed for 401 Water Quality Certification and it was determined the project will not violate applicable water quality standards.
- Notification received from National Grid & CSX regarding Yearly Maintenance Programs starting
- Stafford Street DEP#197-0541, Worcester Airport & Stiles Reservoir wetland reports received/reviewed
- Highway Department sent an update of the road paving schedule for 2017
- Received Forest Cutting Plan as being finished at Route 56/Paxton Street from DCR

MOTION: Mr. Soojian moved to adjourn meeting

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Meeting adjourned at 7:00PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox



**Conservation Commission  
Meeting Minutes**

Minutes of June 14, 2017

Members present: Steve Parretti, Chair; Jim Cooper, arriving at 6:34pm; JoAnn Schold, arriving at 6:47pm; Joshua Soojian, arriving at 6:43pm

Meeting called to order at 6:45PM

**Request for Determination of Applicability**

Wildwood Lane – relocate a shed

Mr. Parretti read the Notice into the record and then opened discussion to the applicant.

Mr. Glenn Krevosky of EBT Environmental representing applicant, in attendance.

Lori Wilkesman, property owner/applicant in attendance.

The applicant proposes to move an 11.5-foot by 28.1-foot structure (shed) 12-feet north of the southern property line, so it no longer encroaches on the neighbor's property. The move will put the structure closer to the wetlands, but will remain outside the wetland buffer.

MOTION: Mr. Soojian moved to grant a Negative Determination #3 to Dustin Brown of Wildwood Lane, Leicester, Ma for the purpose of relocating a shed. "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: 1) notify conservation before start of work for erosion control inspection; 2) notify Conservation when work is complete.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

**Request for Determination of Applicability**

501-507 & 521 Stafford Street. ChV – install temporary stone filter

Mr. Parretti read the Notice into the record and then opened discussion to the applicant.

Mr. Brian MacEwen of Graz Engineering, in attendance.

A temporary stone filter check dam will be installed up-gradient of culvert pipe that discharges from the end of the swale to the street drainage system. Reshape & regrade swale by excavation & removal of soil. Extend main entrance cross culvert from its down-gradient end 40-feet to existing paved section of swale to control flows & mitigate existing overflows to adjacent parking areas.

There are no wetlands involved; this request is for cleaning out an existing drainage swale.

MOTION: Mr. Soojian moved to grant a Negative Determination #3 to Stafford Street Properties, LLC, 501-507 & 521 Stafford Street, Cherry Valley, MA for the purpose of a temporary stone filter check dam and cleaning up the existing drainage swale. "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: 1) notify conservation before start of work for erosion control inspection; 2) notify Conservation when work is complete.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

**Notice of Intent****Stiles Lake Water District – Aquatic Plant Management Program CONT**

Ms. Amanda Mahaney of Solitude Lake Management, representing applicant, in attendance. This was continued because a DEP number had not been issued. The number has since been issued.

The Stiles Lake Water District would like to initiate an Aquatic Plant Management Program through the use of US DEP/MA DAR registered herbicides and algacides to manage non-native and nuisance vegetation.

Treatment will not be harmful to the fish or humans.

MOTION: Ms. Schold moved to approve the Notice of Intent for the Stiles Lake Water District to initiate an aquatic plant management program, with the following condition: 1) inform Conservation at the beginning of treatment and 2) inform Conservation when program was complete.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

**Notice of Intent****408 Stafford Street Solar- Solar Project; National Grid**

Mr. Parretti read the Notice into the record, noting a DEP number had not been issued, therefore the hearing will need to be continued to the next meeting on July 12.

All agreed to proceed with application review.

Mr. Ryan Hale of Amec Massachusetts, Inc; Mr. Peter Esselstyn of Ameresco, Inc. and Mr. Tyler Krupa of National Grid in attendance.

The request is to construct a 1,361 kW ground-mounted solar energy system with portions being in buffer zone. The project will not have direct impacts to wetlands and won't impact the 25-foot No Disturb Zone.

It will be constructed on portions of a 45-acre parcel on the north side of Stafford Street near the City of Worcester & Town of Auburn. Temporary staging areas for construction equipment and materials will be located on existing cleared areas adjacent to an existing solar array. A perimeter security fence will be located a minimum of 25-feet from wetlands and the arrays will be a minimum of 40-feet from wetlands.

Nancy McCue, 406 Stafford Street had concern about the affect to her property and the filling of a stream that travels through the solar site and along her property.

Mr. Hale gave a brief review on the projects' layout, noting there were no plans to do any fill.

Hearing no further discussion, the hearing was continued to July 12, 2017.

**Notice of Intent****85 Waite Street – reconstruct retaining wall**

Mr. Parretti read the Notice into the record and opened discussion to the applicant.

Mr. Travis McCauley, property owner, in attendance.

The request was for reconstruction of an existing retaining wall.

All the existing lose stone will be removed and cinder blocks will be used to rebuild the wall in the existing location.

MOTION: Mr. Soojian move to approve the Notice of Intent to reconstruct the existing retaining wall, with the following conditions: 1) notify Conservation before the beginning of work for an erosion control inspection, and 2) inform Conservation when project was completed.

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

### **General Discussion**

- Worcester Airport

Jim Stolecki, MassPort in attendance.

During recent heavy rain events, material from a dislodged beaver dam flowed down approximately 100-feet to a culvert inlet. The area is adjacent to the headwall where Lynde Brook flows under the runway at Worcester Airport. MassPort's Filed Maintenance crew accessed the location with an excavator to remove material, consisting primarily of wood debris from the culvert inlet.

Similar removal work had been done under an Order of Conditions, 197-0533, issued by the Conservation Commission in 2011, but had expired in 2014.

They are coordinating with the Leicester Board of Health to obtain a permit to remove the Beavers.

Mr. Stolecki asked whether a new NOI would be needed to address the beaver issues. DEP's comments were it being unrelated to their issues at that location and to continue working with the local Conservation Commission.

Mr. Soojian questioned whether the Order's applicable expiration date qualified under the Permit Extension Act. If it did qualify, the Order would only need to be amended.

Mr. Stolecki will look into that. He then gave a brief review update on the Runway Extension Project.

- 298 Clark Street - complaint

Christine Tretheway, 300 Clark Street in attendance.

There's concern with an area that was excavated & some trees were removed. This is a designated wetland, at 298 Clark Street. The excavation and tree removal has caused flooding and erosion issues at 300 Clark Street. There is also concern there may have been an area filled without a permit.

Mr. Marc Aurele, investigating this concern, was not present tonight. The Commission will contact Mr. Marc Aurele regarding the drainpipe and flooding concerns, and DEP to inquire about a site inspection to determine the filled area and advice on how to handle that.

- 63 Fairview Drive - DEP Appeal Update

A letter from Denise Child of MassDEP dated June 9, 2017, stated DEP completed its review on the Appeal submitted on March 31, 2017. Based on a review of information presented and discussed at the site meeting, it is the opinion of MassDEP that the Project can be conditioned to adequately protect the interest of the Wetlands Protection Act. Therefore, Superseding Order of Conditions was issued approving the Project, as proposed.

- Applications for Membership

Daniel George, 130 Green Street, Leicester; Matthew Preston, 3 Courtland Street, Worcester; and Suzanne Sears, 336 River Street, Leicester

Daniel George & Matthew Preston in attendance.

Upon introductions, the Commission suggested speaking with the Michelle Buck regarding the process going from a 5 member Commission to a 7 member Commission.

- Miscellaneous Projects, Site Inspections & Project Reports & Updates

1. New Forestry Cutting Plan. Location: Main Street & Reservoir Street; Landowner: William Union; Forester: Kimball Moore – DCR applied.
2. Building & Occupancy Permits issued, Month of April, 2017.
3. Monthly Status Report from Stafford Street/Wilson Street DEP#197-0541.
4. Weekly Progress Meeting Reports from Stiles Reservoir Dam Reconstruction.
5. Leicester Snowmobile Club/Moose Hill WMA update. Material purchased and planted as mitigation for violations committed at the Moose Hill WMA. The WMA now considers this matter closed.

### **Approval of Minutes**

Tabled

MOTION: Mr. Soojian moved to adjourn meeting

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:20PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox

## **Conservation Commission Meeting Minutes**

Minutes of July 12, 2017

Members present Jim Cooper, JoAnn Schold, and Joshua Soojian arriving 6:42pm

Mr. Soojian, acting Chair, called the meeting to order at 6:43PM

### **Notice of Intent**

#### 408 Stafford Street Solar Project, National Grid, CONT

Mr. Soojian read the notice into the record and then opened discussion to the applicant.

Mr. Ryan Hale of Amec foster wheeler, Inc; Mr. Peter Esselstyn of Ameresco, Inc. and Mr. Tyler Krupa of National Grid in attendance.

The meeting was continued because a DEP number had not been issued. A number has since been issued.

The wetlands are located to the northeast. Approximately 4.7-acres will be cleared. An access road will be built adjacent to an existing access road to an existing solar array system.

This project is also under review by the Planning Board through a Special Permit/Site Plan Review application. As a result, from comments received from the Planning Office, revisions were made to the Stormwater Management Plan. Copies of the revised Stormwater plan submitted.

There will be no grading, the arrays will be constructed in the upland and within certain areas, will be within the 100-foot buffer, but there will not no work within the 25-foot No Disturb. An Erosion barrier and chain-linked fence will be around the array and outside the 25-foot No Disturb.

The applicant did not provide written comments addressing DEP concerns and Town Engineer did not have opportunity to review updated Stormwater Report.

Hearing continued to the next meeting on August 16, 2017.

### **Board Discussion**

- 690 Stafford Street complaint

Mr. Bill Wolfe of 692 Stafford Street had concern the property owner at 690 Stafford Street was possibly filling in wetlands and making a parking lot in the back adjacent to the wetlands. Mr. Wolfe had concern his property flooding as a result from that.

The Commission agreed to do a site visit. Mr. Wolfe gave permission for the Commission to inspect from his property.

- Stiles Reservoir Dam

A couple of written comments received regarding recent shut-off the dam. Ms. Schold read the comments into the record received from EBT Environmental Consultants.

The concern was with the method in which the reservoir was being refilled following completion of the dam repair.

Two representatives of the Stiles Lake Water District, Mr. Fran Kamenouis and Mr. Jay Lussier in attendance.

There is a refill plan filed with DEP. The Stiles District was moving forward with DEP and Dam Safety on monitoring conditions of the dam, which is close to completion.

Control of the dam and waterway was given back to the Stiles Water District Commissioners, with a series of things needing to be monitored as the concrete builds.

The Stiles Commissioners are required to measure the internals of the dam to see where the water levels are, to make sure the work done was proper. Due to the dam repair plan, they were required to lower the lake 828 feet above sea level, which is 13-feet below where it normally would be. That occurred in October 2016.

They were under orders by the State to leave their mid-level outlet gate wide opened for the last three years, which meant they had no means to control water out of the structure. It was to stay that way until the dam was fixed. They are now near completion.

The water fed out of the dam was to maintain its level for the safety of the construction workers, in the lower level outlet area, to fix the dam. They did not stop water flow until the end of April, beginning of May, 2017.

Mr. Marc Aurele attended a Wednesday weekly meeting and at that time, pumping had stopped. They were pumping to keep the work zone at a safe level. There were two siphons that were ready to be stopped and at that point, the project engineer agreed the wetlands downstream were saturated and Leicester was all set with shutting the dam off.

That was the way it remained until two weeks ago when they received a phone call from their project engineer regarding a complaint about the dam shut down and the gate was re-opened at that time.

After the second complaint, they went over to check what was going on.

There is a serious weed problem going on, because as the lake rises, it's uprooting the existing plant life. They found heavy blockage created from the driftwood and weeds that stopped the water flow. It has since been cleaned out and as of this morning (7/12/2017), the water is flowing again.

The dam was opened at an agreed measurement, between their project engineer and Mr. Marc Aurele, at 100-gallons per-minute.

DEP, Dam Safety, Pare' Engineering & Stiles Commission agreed instead of using the mid-level outlet, using the low-level outlet, which is 20-feet below the surface of the water, to minimize weed blockage. It will remain that way until the end of the summer or until the drawdown.

- 298 Clark Street

Christine Tretheway, 300 Clark Street in attendance.

Ms. Tretheway had concern her property flooding as a result from 298 Clark Street removal of trees, possible fill of wetlands and possible improper installation of a drainage pipe. The Conservation Office emailed DEP regarding a site inspection to determine if an area was illegally filled and advice on how to handle that. Have not heard back yet, will send a follow up to DEP.

- CoC's vs Subdivision compliance

An attorney representing a buyer contacted the Conservation Office regarding information on getting a Certificate of Compliance for 60 Virginia Drive. This property was part of a senior housing project called Oakridge Estates.

After some research, 3 Order of Conditions were found to be issued on this development, but not directly tied to that lot, they were all issued on construction of the road.

The attorney needs to find out which book number and page number was associated to that property and not the road. The Commissioners agreed a partial Certificate could be issued, as long as there's an engineer's letter stating the lot did not involve wetlands.

- Sargent Pond – DEP#197-463

A request by Solitude Lake Management made back in February 2017, asked to extend the Order of Conditions for another 3 years. The Commission had some concern extending an 11-year old Order and asked for the engineer to provide a detailed report on all activities conducted to the pond. In addition, also provide DEP's opinion on extending an 11-year old Order. In June 22, 2017 a detailed management report was received from Solitude Management.

The Conservation Commission received opinion from DEP regarding extending an 11-year old Order. It was of their opinion not to extend an 11-year old Order. They recommended to require a new NOI be filed, due to new technology, new techniques and new chemicals now available. A letter will be sent to Solitude Lake Management.

- Membership

Ms. Buck explained Special Legislation being required for Alternate Membership to the Conservation Commission.

MOTION: Ms. Schold moved to proceed and initiate the process to seek special legislation for alternate membership, up to 2 alternate positions, to the Conservation Commission.

SECONDED: Mr. Cooper – Discussion: None - VOTE: All in Favor

- Miscellaneous Projects/Site Inspections/Reports & Updates

63 Fairview Drive Appeal to DEP's superseding approval.

An Adjudicatory Hearing request filed by Corey L.H. Lee of 61 Fairview Drive regarding the Superseding Order of Conditions issued by DEP regarding an Order of Conditions issued by LCC for proposed relation of a retaining/stonewall at 63 Fairview Drive.

A property site conference will be scheduled sometime in August. The Office will contact DEP asking if the LCC was required to attend the site conference.

Worcester Airport Update

After reviewing the Extension Act and checking the dates on the Order of Conditions, DEP #197-0533 qualifies under the Act to be extended to 1/6/2018.

Reorganization of the Board

MOTION: Ms. Schold moved to keep the Conservation Commission as it currently sits

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

**Approval of Minutes**

- 5/17/2017

MOTION: Mr. Cooper moved to approve May 17, 2017 minutes

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

- 4/12/2017

MOTION: Mr. Cooper moved to approve April 12, 2017 minutes

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Remainder of minutes to approve tabled until full board present.

Hearing no further questions or comments, Mr. Soojian asked for a motion to adjourn.

MOTION: Mr. Cooper moved to adjourn meeting

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

Meeting adjourned at 7:55PM

Respectfully submitted:

*Barbara Knox*

Barbara Knox



**Conservation Commission  
Meeting Minutes**

Minutes of August 16, 2017

Members present: Steve Parretti, Chair; JoAnn Schold, Jim Cooper, Josh Soojian arriving at 6:40PM

In Attendance: Michelle Buck, Town Planner

Meeting called to order 6:33PM

**Certificate of Compliance**

162 Paxton Street; DEP#197-530

A site visit done determined the site in compliance with the Wetland Bylaws and stable.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 162 Paxton Street, Leicester, MA DEP#197-530

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

37 Fairview Drive; DEP#197-598

A letter from the applicant's Environmental Consultant, EBT Environmental, determined the site in compliance with the Wetland Bylaws and stable. A site visit done by the Commission concurred.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 37 Fairview Drive, Leicester, MA DEP#197-598

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

29 Fairview Drive; DEP#197-0447

A letter from the project engineer, Coyle Engineering, determined the site in compliance with the Wetland Bylaws and stable. A site visit done by the Commission concurred.

MOTION: Mr. Cooper moved to approve the Certificate of Compliance for 29 Fairview Drive, Leicester, MA DEP#197-0447

SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

5 Sabina Circle; DEP#197-175

Ms. Courtney Mankus, property owner, in attendance.

There were three Orders on this property, two Orders received Certificate of Compliance. This Order covered construction of roadway known as Sabina Circle. Completion was in 2002 and road acceptance by the Town was in 2005.

MOTION: Ms. Schold moved to approve the Certificate of Compliance for 5 Sabina Circle, Rochdale, MA DEP#197-175

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

*Mr. Soojian arrived at this point*

**Request for Determination of Applicability****690 Stafford Street – (turnaround driveway)**

Mr. Erich Berantuo, property owner, in attendance

Mr. Parretti read the Notice into the record and then opened the meeting to discussion.

There was an NOI on this property and a Certificate of Compliance issued.

The Commissioners issued a Cease and Desist on July 18 regarding recent work conducted within a Wetland Area without approval.

Mr. Berantuo filed an RDA for work already done, asking for a determination whether an NOI filing would be required.

He asked for approval to keep the driveway so his children can ride their bikes and he can turn his car around, as well as, to put a patio around the pool area with a walk. He also wanted to put a privacy fence around the front.

After some discussion, the Commissioners agreed to continue this hearing, in order to review the minutes from the original NOI Hearing and then set up a site inspection prior to the next meeting on September 13, 2017.

Discussion continued to September 13.

**Notice of Intent****408 Stafford Street CONT (solar project-National Grid)**

Continued from July 12, 2017.

This is to allow construction of a 1,361 kW ground-mounted solar energy system.

Mr. Peter Esselstyn of Ameresco and Tyler Krupa of National Grid in attendance.

Quinn Engineering was able to review the stormwater plans and did get comment back to them in relation to the Leicester Stormwater Regulations. All comments were met in relation to Site plan and Stormwater requirements.

The Commissioners pointed out the two issues referred to Conservation; Item# 4b, regarding a large area of the site to be cleared without improvement of the ground surface and item #3, regarding the use of the 18" Compost Sock.

After some discussion, item #4b, the Commissioners agreed it was the applicant's responsibility to keep siltation control maintained and keeping extra supplies on hand as needed.

With a condition on requiring monthly monitoring reports to completion.

Item #3 regarding the Compost Stock, Mr. Esselstyn explained the 18" compost sock with a silt fence behind it was found to be more than sufficient.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Ms. Schold moved to approve the Notice of Intent Application for 408 Stafford Street Solar Project, a.k.a. National Grid, Cherry Valley MA with the following conditions: submitting monthly monitoring reports; notifying the Commission prior to the start of work for an erosion control inspection; and notify the Commission at the end of work.

SECONDED: Mr. Cooper – Discussion: None – VOTE: All in Favor

*At this point, Ms. Schold recused herself from both Pine Street NOI Applications due to a Conflict of Interest.*

555 Pine Street – (single family home)

Mr. Parretti read the notice into the record and opened the meeting for discussion.

Mr. Brian MacEwen of Graz Engineering in attendance.

The applicant requests to construct a single family home with attached garage & associated septic system, well, driveway and site grading located in the Buffer Zone to a Bordering Vegetated Wetlands. As well as, constructing lake front wall & access steps just above high water line.

Mr. Scott Rowland, 596 Pine Street asked to have the location pointed out on the street map.

Mr. MacEwen showed it sat on the corner of Parker and Pine Streets. A small bit of frontage existed on Parker Street, but the building frontage will be located from Pine Street.

Mr. Jonathan Vanhazinga, 600 Pine Street concern was where the well and septic would be in relation to his property.

Mr. MacEwen explained the perk showed the lot would support a well and septic and it will follow all Title 5 regulations on distances, etc. when placing a well and septic system.

The Commissioners conditioned the retaining wall proposed at lakefront, can only be done during lake-drawdown and that hay bales and/or waddles, and silt fence, be in place prior to the start of work.

Hearing no further discussion, Mr. Parretti asked for a motion.

MOTION: Mr. Cooper moved to approve the Notice of Intent for 555 Pine Street, Leicester, MA with the following conditions: All work (retaining wall) at beach front can only be done during lake drawdown; Silt fence and waddles installed near lake during construction and maintained throughout construction; and to contact Conservation Office prior to start of work for Erosion Control Inspection.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Pine Street, Leicester/Spencer (replication area for single family home)

Mr. Parretti read the notice into the record and then opened the meeting to discussion.

Mr. Brian MacEwen of Graz Engineering in attendance.

This is for construction of a wetland replication area, on a parcel of land located in the Town of Leicester. This request is the result of the construction of a new single-family dwelling and associated site improvements that are results in the loss of a “finger-like” portion of the Bordering Vegetated Wetlands at the locus of the proposed site development in the Town of Spencer.

A street number was not issued on the property because it is not a proposed building lot Leicester. The Assessor’s Office only issued a parcel number.

The dwelling and all associated work will be completely located in the Town of Spencer; address will be 102 Chickering Road, Spencer. The replication area will be completely developed in Leicester. An NOI was filed in both Towns.

The Commissioners asked whether the Town of Spencer had given opinion on filling wetland in their Town and replicating in another Town.

Mr. MacEwen explained their meeting with Spencer Conservation was next week and DEP wanted the Towns to work out an agreement.

Ms. Michelle Buck explained Spencer's Conservation Agent contacted her regarding this application. Spencer requires when building a single family home the replication work be completed first before the home.

She felt that requirement could also apply to Leicester's decision.

Discussion opened to public.

Mr. Geoffrey Harris, 568 Pine Street and Mr. Scott Rowland, 596 Pine Street had concern with possible damage to the drainage culverts.

Mr. MacEwen explained the replication area constructed, will allow for better drainage to the area.

Mr. Jonathan Vanhazinga, 600 Pine Street asked about ground water testing and the possible affect to neighboring wells. His concern was having a shallow well and the construction affecting his ground water supply.

Mr. MacEwen explained ground water testing had been done and the impact would be to surface runoff and would not affect any subsurface water source. There would not be any hydrological conditions changed at that location.

Mr. Rowland had concern with the amount of fill being brought in.

Mr. Parretti explained fill wasn't being brought in, it was being taken out.

The Commissioners agreed prior to making a ruling on this application, doing a site inspection after the Spencer Conservation meeting and in the meantime, the engineer stakes out the replication area and any trees being removed. *Contact abutters when site walk is scheduled.*

MOTION: Mr. Soojian moved to continue the hearing to September 13, 2017

SECONDED: Mr. Cooper – Discussion: None – Vote: All in Favor

*Ms. Schold returned to her seat on the Commission.*

**Approval of Minutes**

3/15/2017

MOTION: Mr. Cooper moved to approve the March 15, 2017 Minutes

SECONDED: Mr. Soojian – Discussion: None – VOTE: 3 in favor / 1 abstained (Ms. Schold)

6/14/2017

MOTION: Ms. Schold moved to approve the June 14, 2017 Minutes

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

7/12/2017

MOTION: Ms. Schold moved to approve the July 12, 2017 Minutes

SECONDED: Mr. Cooper – Discussion: None – VOTE: 3 in favor / 1 abstained (Mr. Parretti)

### **Board Discussion**

#### Burncoat Park Request (tree removal)

Mr. Parretti spoke with Diana Provencher from the Burncoat Park Committee. The Burncoat Committee plans to meet with representatives from National Grid to discuss new poles being put in down at Burncoat Park. They need to show the specs, as far as where the new poles would go and what the plans were regarding any extensive tree cutting.

Ms. Provencher will contact the Commission once a meeting was scheduled.

#### Brookside Package Store (cleaning/clearing back lot)

The store's owner inquired clearing and cleaning the area behind the store. The property directly abuts Rochdale Pond.

After some discussion, the Commission agreed the owner needed to file an RDA application.

*Meeting Paused @ 7:45PM*

*Reconvened @ 7:50PM*

#### 298 Clark Street (DEP site visit)

Mr. Cooper met Judy Schmitz of DEP on site. It was observed recent fill immediately adjacent to regulated resource area and the inlet of a pipe beneath the driveway appeared to be blocked. Send an email to DEP asking for an update on contacting the homeowner and the recommended remedy.

#### Worcester Airport (recent wetland violation)

Mr. Cooper met with Tom Pyle, J.R. White Project Engineer on site.

DEP contacted the Conservation Office wanting the local authority to handle this most recent violation, because the DEP Office was back logged resolving the previous violations at this site. After some discussion, the Commissioners agreed contacting Jim Stolecki of MassPort asking for a site meeting, as soon as possible, to discuss the most recent and all other previous egregious violations. The Commissioners asked for copies on each violation report and remedies taken.

#### 1749 Main Street – (Curtis self-storage)

A site inspection done with the property owner found the amount of fill extended beyond the original fill limit approved. All agreed a Cease and Desist Order be issued to the property owner noting fill has gone beyond the scope of work, having the project Engineer evaluate the site and determine the amount of unauthorized fill brought in. Have the engineer attend the next Conservation Meeting on September 13 for a determination on how to remedy the situation.

#### Bottomly Ave Complaint (DEP)

A concern received from DEP regarding 104 Bottomly Ave, Cherry Valley that a wetland had been filled and a foundation built. The complaint reports blue flags marking the wetlands prior to the fill. DEP asked if there were any open applications on this lot.

Upon review of the MassGIS map showing the lot at the top of the hill with a foundation, but no wetlands shown in vicinity on DEP datalayer. Due to the grade of the land, water would not stay up there.

A building permit was issued in 2009 for a garage, but nothing since and no applications in Conservation file. The Building Inspector took a look at the site for any recent activity taking place and no evidence found.

#### KM Kelly, 93 Huntoon Highway

A recent inspection found erosion control not visible. Send email to engineer regarding maintaining erosion control/silt fence line and send pictures for the file.

#### Alternate Membership

Some examples reviewed from surrounding Towns were very similar and the only difference was the number of alternates and the length of the term. The Commissioners agreed on 2 alternates with a 3 year term. They raised the question whether the Dept. Asst./Secretary could sit in as an alternate when needed. Ms. Buck will look into it.

#### Library

Ms. Buck received an Email from the project manager for the Library renovation project inquiring whether Conservation had any concerns regarding the project's erosion control and site maintenance. Mr. Cooper was able to visit the site and felt the silt fence looked good.

Hearing no further discussion, Mr. Parretti asked for a motion to adjourn.

MOTION: Ms. Schold moved to adjourn

SECONDED: Mr. Soojian - Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:25PM

Respectfully submitted,

*Barbara Knox*

Barbara Knox

**Conservation Commission  
Meeting Minutes**

Minutes of September 13, 2017

Members present: John Marc Aurele, JoAnn Schold, Jim Cooper, Joshua Cooper, and Steve Parretti arrived at 6:45pm

Mr. Marc Aurele, Vice Chair called the meeting to order at 6:35PM

**Certificate of Compliance**

466 Stafford Street Solar Project (DEP#197-0591)

Steve Long of Borrego Solar present.

A letter from a Certified Engineer and As-Built Plans submitted with request. The letter stated the site was in conformance with the Wetland Protection Act and stable.

A site inspection by the Commission concurred.

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion.

MOTION: Mr. Cooper moved approve the Certificate of Compliance to Steve Long of Borrego Solar for 466 Stafford Street Solar Project.

SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Wilson Street & Virginia Drive Extension

Mr. Art Allen of EcoTec, Inc. and Mr. John Stelmok, Developer present.

Mr. Allen reviewed material submitted from McClure Engineering Firm. Both Orders are original Orders on this project that have since expired. The letter submitted certifies phase 1 & 2 site work, building construction and final stabilization of all areas were complete. As-Built plans of replication areas prepared and submitted. Based upon visual observations, the work and build-out for DEP#s 197-252 & 197-350 are in substantial compliance with the design plans.

*At this point Mr. Parretti arrived.*

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion for a Certificated of Compliance to DEP#197-252.

MOTION: Mr. Cooper moved to approve the Certificate of Compliance for Oakridge Estates Senior Village DEP# 197-252, Wilson Street & Virginia Drive Extension

SECONDED: Mr. Soojian – Discussion: None – VOTE: 4 In Favor / 1 abstained (Mr. Parretti)

Mr. Marc Aurele asked for a motion for a Certificate of Compliance to DEP# 197-350

MOTION: Mr. Soojian moved to approve the Certificate of Compliance for Oakridge Estates Senior Village DEP# 197-350. Wilson Street & Virginia Drive Extension.

SECONDED: Mr. Cooper – Discussion: None – VOTE: 4 In Favor / 1 abstained (Mr. Parretti)

**Extend Order of Conditions**

Oakridge Estates, Wilson Street & Virginia Drive Extension (DEP#197-415)

Mr. Art Allen of EcoTec, Inc. and Mr. John Stelmok, Developer present.

Mr. Allen explained this is the final Order still valid for this project. It was extended once previously and by virtue of the Permit Extension Act, was currently set to expire on 9/20/2017.

The project is 84% complete and the project owner anticipates completion within next 2 to 3 years.

Hearing no further comments or questions, Mr. Marc Aurele asked for a motion.

MOTION: Ms. Schold moved to extend the Order of Conditions DEP# 197-415 for Oakridge Estates, Wilson Street & Virginia Drive Extension for 3-years to 9/17/2020.

SECONDED: Mr. Soojian – Discussion: None – VOTE: 4 In Favor / 1 Abstained (Mr. Parretti)

*Mr. Parretti resumed his seat as Chair*

**Request for Determination of Applicability**

690 Stafford Street CONT (turnaround driveway)

Applicant currently not present – Tabled to end of meeting

14 Harberton Drive (single family home)

Mr. Parretti read the Notice into the record and then opened the meeting to discussion.

Mr. David Baril, property owner present.

This is for a single family home that will be 15-feet outside of the 100-foot buffer zone.

Existing gravel road will change to a paved driveway. Sewer & water lines will run from the house to Warren Ave. Wood chips, with loam and grass seed, placed down to help prevent erosion into the seasonal stream.

A site inspection by the Commission confirmed work was being done outside of the 100-foot buffer. The contractor was asked to stabilize the area and make sure to keep all equipment and work away from the area between the barn and seasonal stream.

The Commission requested the Right to Enter the property to do periodic inspections.

Mr. Baril agreed.

Hearing no further comments or questions, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3; “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; any project change requires coming back before Conservation for additional review; waddles/hay bales in place between barn and stream throughout construction; notify Conservation Office at completion of project.”

SECONDED: Mr. Soojian – Discussion: The application and scope of work are part of the meeting minutes – VOTE: All in Favor

61 Fairview Drive (site work)

Mr. Parretti read the Notice into the record and then opened the meeting to discussion.

Ms. Corey Lee present.

There was a previous RDA approval for the fence and a portion of the retaining wall. They failed to ask for removal of the shed and fixing existing patio under the deck. The retaining wall will tie into the existing patio; the stairs will be removed from current location and rebuilt further away from the lake.

Hearing no further comment or questions, Mr. Parretti asked for a motion.



MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3; "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; waddles/erosion walls be installed prior to construction; notify Conservation Office prior to start of work for EC inspection; and notify office at completion."

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes – VOTE: All in Favor

#### 25 Rawson Drive (16 x 20 deck)

Mr. Parretti read the Notice into the record and then opened the meeting to discussion.

Vincent Tiscione, property owner present

This request is to install a 16 x 20-foot deck on the back of the house facing the water, with stairs facing right side towards chimney. No footings or grade work proposed and stone will be put down to make a barrier from the driveway.

Hearing no further comment or questions, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to recommend a Negative Determination #3; "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; straw waddles, with additional waddles required to be in place & installed prior to construction, notification to Conservation Office before start of work and notify Conservation Office at completion."

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes – VOTE: All in Favor

#### **Notice of Intent**

##### Pine Street /Leicester, Spencer

Email memo received from Brian MacEwen requesting to continue the hearing.

Mr. Parretti read the request into record.

Hearing no questions or concerns, asked for a motion.

MOTION: Mr. Soojian moved to accept the request of Brian MacEwen to continue the Notice of Intent Hearing to October 11, 2017.

SECONDED: Mr. Cooper – Discussion: None – VOTE: 4 In Favor / 1 abstained (Ms. Schold)

#### 231 Pine Street (driveway/single family home)

Mr. Parretti read the Notice into the record and then opened the meeting to discussion.

Glenn Krevosky, EBT Environmental & James Wessell, property owner present.

They are proposing to construct a 12-foot wide driveway off Pine Street, which will pass through ±35 linear feet of outer River Front Area in order to gain access to single family home.

No fill proposed, the driveway will be a crushed asphalt surface & within 200-feet of River Front, 25-foot No Disturb Zone will be maintained.

Mr. Jay Levitan, 10 Birchwood Road had concern with work being done inside the wetlands and the effect heavy equipment would have on the wetlands.

The Commission explained work was not inside the wetlands, but 25-feet away from the wetlands called the No Disturb Zone and all work was restricted from that zone. Hay bales/silt fence are also required for additional protection to the wetlands.

Hearing no further comments or questions, Mr. Parretti asked for a motion.

MOTION: Mr. Marc Aurele moved to approve the NOI for 231 Pine Street to construct a 12-foot wide driveway off Pint Street that will pass through  $\pm 35$  linear feet of outer River Front Area, to gain access to a single family dwelling, with the following conditions: hay bale/silt fence be in place prior to start of work; call Conservation Office for EC inspection prior to start of work; notify Conservation Office when work is complete; maintain 25-foot No Disturb Zone.

SECONDED: Mr. Soojian – Discussion: The application and scope of work are a part of the meeting minutes –

Instructions given on the appeal process

VOTE: All in Favor

### **Board Discussion**

#### Snowmobile Club

Mr. John True of the Leicester Snowmobile Club present

The Club is proposing repair on two bridges located on Brad Johnson's property and a third bridge located behind the Town Highway Department.

After some discussion, the Commission recommended filing two RDA applications. One for the two bridges on Brad Johnson's property and one for the bridge behind the Town Highway Dept.

#### Burncoat Park

Mr. Russ Anderson of the Burncoat Committee in attendance

Discussion on tree removal to allow Mass Electric place new poles to rerun the electric for the park. The committee felt lights and surveillance cameras would help deter vandalism at the park.

The Commissioners advised to notify the office when Mass Electric was ready to evaluate placement of the poles.

Another matter discussed was Town ownership of Burncoat Park.

Mr. Anderson explained because the Town owned the Park, it was eligible to get a free Forest Management Plan, paid for by DCR. The plan would evaluate the timber, the soils and possibly determine when it was time for another timber harvest, which would generate some funds to help pay for work needed at the Park.

The Town would be required to cover the cost up front and then receive full reimbursement from DCR. There are two parts to the plan, a Forest Management plan and a bird habitat plan. Based on the size of the property, a forest stewardship plan would be \$1940 and with the bird habitat plan, would total \$2440.

Mr. Anderson wants to start the request process in order to get on the list and asked if the Commissioners would support this application request to DCR. He will forward the link to the Commission that has all the information about this grant proposal. The Commissioners agreed taking this under advisement and getting back to the Burncoat Committee after further review and at the same time, inquire where the up-front funding could come from.

#### 298 Clark Street (Enforcement Order)

An email memo from DEP noted notification being sent to the property owner, Michael Valle, regarding a recent inspection done by the Commission and assisted by DEP, at his property. It was observed recent fill immediately adjacent to the regulated resource area and the inlet of a pipe beneath the driveway appeared to be blocked.

MassDEP recommended LCC to issue an Enforcement Order that will direct the property owner to remove the fill from the wetland area and restore the flow through the pipe beneath the driveway. Once fill was removed, seed bank in original topsoil to regenerate area.

After some discussion, the Commissioners agreed to issue an Enforcement Order as directed by DEP.

MOTION: Ms. Schold moved to issue an Enforcement Order on 298 Clark Street, Rochdale, MA as directed by DEP to remove fill from the wetland area and restore flow through pipe beneath the driveway. Once fill is removed, seed bank in original topsoil to regenerate area within 90-days from the date of this letter. A resortation plan is to be filed with the Conservation Commission by their next meeting on October 11, 2017. Notification to the LCC required when work completed.”

SECONDED: Mr. Marc Aurele – Discussion: None – VOTE: All in Favor

#### Worcester Airport (Enforcement Order)

Discussion on the recent Administrative Consent Order and Penalty issued by DEP to J.R. White Company, as well as the recent violation at Tower #11 Mitigation Area located in Leicester.

Mr. Marc Aurele attended a site meeting, at the Worcester Airport, with representatives from MassPort, vhb Consulting Firm and the project manager from J.R. White Co.

After the meeting, he spoke with Denise Child of DEP, and she explained DEP being under negotiations regarding the numerous other violations at this site and didn't want to reopen negotiations on their Administrative Consent Order. She recommended that the Commission issue an Enforcement Order on the Tower 11 violation, requiring replication area done in accordance to the approved plan and prior to issuance of a Certificate of Compliance.

All agreed, because violation occurred within the Town of Leicester, inquiring whether the Town would receive a percentage of the fine imposed on J.R. White Co., as in the same manner receiving a percentage of an NOI fee. All agreed to table to next meeting.

#### **Request for Determination of Applicability**

##### 690 Stafford Street (turnaround driveway)

Mr. Parretti reopened the hearing and read the notice into the record.

No one present representing the application.

Hearing opened to discussion.

Hearing no discussion, having a request to continue in writing, or by phone, and having no sufficient information submitted on what needs to be done, Mr. Parretti asked for a motion. MOTION: Mr. Marc Aurele moved to recommend a Positive Determination #4, "The work described on referenced plan and documents is within the Buffer Zone and will alter an Area subject to Protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone). SECONDED: Ms. Schold - Discussion: None - VOTE: All in favor

Additional discussion regarding issuing an Enforcement Order.  
All agreed to issue an Order to remove fill within the wetland and replicate within the buffer zone and wetland area. As well as, recommending the Town issue a separate Order requiring removal of material from Town property (property line to street).  
Upon hearing no further discussion, Mr. Parretti asked for a motion.  
MOTION: Mr. Marc Aurele moved to require removal of all pavements within the wetlands and restore the site within the buffer zone and wetland area. That the Conservation Commission imposes a fine of \$100 to comply with this Enforcement Order within 30 days and \$100 every day thereafter the initial 30 days, until required work is completed. A restoration plan submitted to Conservation by its next meeting on October 11, 2017  
SECONDED: Ms. Schold – Discussion: None – VOTE: All in Favor

#### 1749 Main Street (lift Cease & Desist)

Mr. Parretti met with Marc Curtis, property owner and Jay Dubois, Engineer and reviewed whether work had gone beyond approved scope of work.  
After review, cease and desist was lifted.  
MOTION: Ms. Schold moved to recommend approval on lifting the Cease & Desist at 1749 Main Street, Leicester, MA  
SECONDED: Mr. Marc Aurele – Discussion: None – VOTE: All in Favor

#### Stiles Dam Repair

Work on the dam is complete. The reservoir is currently at 60% and they are in the process of restoring the landscaping.

#### **Minutes**

8/16/2017

MOTION: Ms. Schold moved to adjourn meeting  
SECONDED: Mr. Soojian – Discussion: None – VOTE: All in Favor

Meeting adjourned at 8:35PM  
Respectfully submitted:  
*Barbara Knox*  
Barbara Knox