



**Kelley Freda**  
Chairperson

# CONSERVATION COMMISSION

*City of Leominster, Massachusetts*

CITY HALL - 25 WEST STREET  
LEOMINSTER, MASSACHUSETTS 01453  
[www.leominster-ma.gov](http://www.leominster-ma.gov)

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**Leominster Conservation Commission  
PUBLIC MEETING LEOMINSTER  
25 West St, Room 10  
March 24, 2015 7PM  
Meeting Minutes**

**I. In attendance:**

Kelley Freda - <b>Chairperson</b>	Conservation Agent / Environmental Inspector - Joanne M DiNardo
Daniel Brodeur	
Larry Gianakis, Jr.	
Julia McKinney	
Scott Pearson	

**II. The meeting is opened at 7:00p.m.**

**III. Hearings**

**7:00 PM** A public hearing opened on a Request for Determination by June Cardone/Pat Lancey for proposed swimming pool. Some of work will take place in the 50-foot bufferzone of intermittent stream. Address 94 Christine St, Map 585, Parcel 36.

1. Michael Hurtubise (June Cardone son) represented the project which will be 15 ft rounds, an above ground pool, 18 feet away from the intermittent stream; the grading is 6 inches that has to be leveled off.
2. DiNardo explains that some of the work will take place within the buffer zone. The project can be considered for determination. While she was researching the project she discovered an open order of conditions. 199-616
3. DiNardo's recommendations are:
  - a. Generally putting in a pool would be exempt. After research there is an open order of conditions on the site that shows that the brook is intermittent. Because the project is within 15 feet of the intermittent stream it does have to come in front of the Commission and it can be considered for a request for determination with a negative determination.
4. Freda asks the Commission if they have any questions.
5. Gianakis asks that the pool be drained away from the brook.
6. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
7. Freda asks if there are any objections to close the public hearing. There are none. The public hearing is closed at 7:04pm.
8. Gianakis makes a motion to issue a certificate of compliance for the open order DEP 199-616 for address 94 Christine St, Map 585, Parcel 36.
9. The motion is seconded by Pearson.
10. The motion is unanimously approved by the Commission.
11. Gianakis makes a motion to issue a negative three determination with DiNardo's additional conditions:

- i. Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)
- ii. 24 Hour notice prior to start of work
- iii. No stockpiling within 50 feet of resource area
- iv. All stockpiles must be covered
- v. No discharge of chlorinated water directly to the stream

12. The motion is unanimously approved by the Commission.

**IV. Continued Hearing, 7:06 p.m.**

A continued public hearing was opened for a Notice of Intent by the Lake Samoset Property Owner's Association for an aquatic Management Program at Lake Samoset to control nuisance and non-native plant and algae growth with aquatic herbicides, algaecides, and other BMP's. Address: Lake Samoset, Assessors Map 477, 471 – 1/A.

- 1. We did not have a DEP file number.
- 2. Freda asks is there anyone in the audience wish to speak on this hearing. She asks three times. No one additional steps forward.
- 3. Pearson files a motion to issue to continue the NOI by the Lake Samoset Property Owner's Association for an aquatic Management Program at Lake Samoset until April 14, 2015.
- 4. The motion is seconded by Julia McKinney.
- 5. The motion is unanimously approved by the Commission.

7:06

**Regular Meeting**

- 1. Call to Order
- 2. Enforcement
  - a. 554 Willard/22 Jytek, there is no update at this time.
- 3. Communications, there are none at this time.
- 4. Minutes
  - a. February 24, 2015. Pearson files a motion to accept the minutes of February 24, 2015 as presented. Brodeur seconds the motion. It is unanimously approved by the Commission.
  - b. March 10, 2015, these will be reviewed at the April 14, 2015 meeting.
- 5. Old Business, there are none at this time.
- 6. New Business – Monoosnoc Brook Phase II
  - a. Clarissa Rowe from Brown, Richardson & Rowe, Inc. presented Phase 2 of the brook walk. She hopes to be under construction after July of this year. The land is owned by four abutters. Project Manager James Pfeiffer, Landscape Architect is here to explain Phase II of the project.
  - b. James explains the overall design that will connect with the already completed Phase 1.
  - c. Their intent is to preserve the majority of trees.
  - d. There is invasive plant material that they are proposing to remove.
  - e. All native plant materials indicative of the area is proposed.
  - f. There is a path at the north end of the project. LED lights will be proposed.
  - g. They are entertaining the idea of painting a mural on the back of the Wyman's Liquors property.
    - i. Freda asks about the two six foot benches. James explains where the placement will be.
    - ii. DiNardo asks about the bridge and the railings. She explains that people like to carve names into wood.
    - iii. McKinney asks about the plantings. James explains where the placement will be.
    - iv. DiNardo asks about the trees and will there be removal. James explains only if there is a hazard or if the tree is dead will they remove them. Clarissa says she will walk the project with DiNardo and a certified arborist will be there as well.
    - v. Gianakis asks will there be an increase in floodplain storage. James says his goal is to not make it worse. His intention is to disturb as little as possible.
    - vi. Elmir Simov, 39 Adams St, Abutter and Leominster resident, offers that his house is at the very end of Adam's street. His main concern is with privacy. He asks will some work be done to compensate for that and what will be done about the potential flooding concern. James explains about the movement of the abortive trees. He also explains an additional supplement of larger trees as well. As for the potential flooding James explains that he is awaiting the engineers to know what they have to do to compensate for any flooding.
    - vii. Patrick McCarty, 816 Pleasant Street Leominster explains a sand bar that builds up on Adams Street near Leominster Credit Union. He offers that we should look into where that sand bar comes from. He is also concerned that this is largely bound by parking lots. He says

have the conversations with the abutters about plowing and how the guardrails could be protected. Otherwise the abutters could push snow and ruin the investment. He cited that the abutters, Rollstone Bank, agreed to help with maintenance on Phase I. Ms Rowe agreed that working with the businesses would be a good idea to help with the maintenance.

- viii. Pearson has a comment about planning the lighting he says please contact the abutter about any potential light pollution.
- ix. Councilor Claire Freda speaks that she is in favor of this project. She adds that lighting and snow storage are both important topics to address. (7:32). Ms Rowe stated they are working with abutters and will take this into account for lighting and snow storage. Ms Freda stated the DPW is taxed with staffing issues.
- x. Gianakis asks is this an all season trail. The answer is yes. Ms Rowe explained the vision would be to improve the downtown and extend the trail. They tried working with CSX for extending the trail over to Mechanic and beyond but have been unsuccessful.
- xi. Freda asks about the plantings. Can there be a certified monarch area? They will look into this.
- xii. Freda asks are there any other questions or comments from the Commission. There are none.
- xiii. Freda asks are there any other questions or comments from the audience. There are none.

7. Certificate of Compliance

8. Extension Permits

a. 138 Olde Tavern Rd 199-0876 (7:37)

- i. Patrick McCarty represents the project on behalf of Gary Belliveau. Lot is still on the market. It is a minor crossing with replication.
- ii. DiNardo states that everything is in order. She explained that this was extended through the permit extension act to March 26, 2015. She recommends a three year extension.
- iii. Pearson makes a motion to provide a three year extension permit for 138 Olde Tavern Rd 199-0876.
- iv. McKinney seconds it.
- v. It is unanimously approved by the Commission.

b. 57 Elm Hill Avenue, 199-889 Expiration Date 9/9/2015

- i. Patrick McCarty represents the project.
- ii. DiNardo recommends a three year extension.
- iii. Gianakis makes a motion to provide a three year extension permit for 57 Elm Hill Avenue, 199-889.
- iv. Pearson seconds it.
- v. It is unanimously approved by the Commission.

9. Emergency Certifications, there are none at this time.

- a. There was one for 36 Cherry Street failed sewer line connection adjacent to Monoosnoc Brook.
- b. Gianakis makes a motion to ratify emergency certificate for 36 Cherry Street. McKinney seconds the motion. It is unanimously approved by the Commission.

10. Agent's Report, there are none at this time.

11. Sign Papers

- a. DOA, NOI

12. Chairman's Report, there are none at this time.

13. Next Meetings

- a. April 14, 2015, Deadline April 2, 2015

14. Adjournment, the meeting is adjourned at 7:45 p.m.

Respectfully Submitted,

Sandy Pellecchia  
Scribe