



Kelley Freda
Chairperson

CONSERVATION COMMISSION
City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
April 14, 2015 7PM
Meeting Minutes

I. In attendance:

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

II. The meeting is opened at 7:03p.m.

III. Hearings

A public hearing was opened to consider a Request for Determination by Marilyn Gould for replacing a failing septic with a Title 5 compliant septic system. Some of work will take place in the 100-foot bufferzone of bordering vegetated wetland and within the riverfront area of Monoosnoc Brook. Address 811 West St, Map 262, Parcel 2/A.

1. John Deline from Deline Engineering represents the owners of the property. The existing system will not pass title 5 on the home they are trying to sell. The existing system will be abandoned. The new system will be a great improvement.
2. Kelley Freda asks if the Board of Health has approved. The answer is yes.
3. Larry Gianakis asks will the existing tank stay. The answer is no. It will be crushed and left in place.
4. Freda asks the Commission if they have any questions.
5. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
6. Joanne DiNardo's recommendations are:

I have reviewed this application, visited the site, and would like to offer the following comments:

This RDA application is replacing a failing septic system with a Title 5 compliant system. The lot is located in the 200 foot riverfront of Monoosnoc Brook. This is a much needed improvement.

12.4.3 Negative Presumptions: The presumption regarding Title 5 (310 CMR 15.00) applies to any subsurface sewage disposal system designed to meet the State Environmental Code or a tougher local health board regulation. Such a system is presumed to have no adverse impact on water quality in adjacent resource areas, if the system is not located in a resource area and if it is 50 feet from a Bordering Vegetated Wetland (BVW) or Land Under a Water Body or Waterway (LUW), or further if required by local regulations.

*13.3.6.6 Exempt or "Grandfathered" Work or Areas; "Limited" Projects
The regulations at 310 CMR 10.58(6) exempt or "grandfather" certain activities in or portions of the Riverfront Area.*

The most common or important of these include:

- Certain "minor" activities (HB §12.4.2.6) as clarified in 310 CMR 10.02(2)(b)(1)(a-g)
- On-site sewage disposal systems in existence on August 7, 1996 and the repair or upgrade of existing systems, if conducted in compliance with Title 5

Other Applicable Permits: Health Department

I recommend a negative 3 – with the following:

1. *Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)*
 2. *No stockpiling within 50 feet of resource area*
 3. *All stockpiles must be covered*
 4. *Any changes must be submitted to the Conservation Commission*
 5. *As Built Upon Construction Completion*
7. Freda asks if there are any objections to close the public hearing. There are none. The public hearing is closed at 7:08pm.
 8. Gianakis makes a motion to issue a negative three with DiNardo's additional comments.
 9. The motion is seconded by Scott Pearson.
 10. The motion is unanimously approved by the Commission.

A public hearing was opened to consider a Request for Determination by Andrea Starrette for construction of an addition to a single family home. Some of work will take place in the outer portion of the 100-foot bufferzone of a bordering vegetated wetland. Address 194 Abbott Ave, Map 555, Parcel 61.

1. Rick Evans represents the project. He intends to put a 10-foot addition on the back of the home.
2. Freda asks the Commission if they have any questions.
3. Pearson asks full foundation. The answer is yes.
4. Gianakis asks about the hay bales close to the edge of the wetlands. Evans says they don't need to go that far back. He will put the hay bales closer to the site.
5. Gianakis discusses stockpiles with Evans and asks to have them covered please.
6. Daniel Brodeur asks about the drainage ditch. DiNardo explains how the ditch collects and shoots it out to the wetlands.
7. Freda suggests instead of hay bales, could you please use straw waddles.
8. Pearson asks where equipment will come in. It will be on the right hand side.
9. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
10. DiNardo's recommendations are:

This RDA application proposing to place a new structure on a residential lot in the 90 to 100 foot buferzone of the bordering vegetated wetland.

DiNardo recommends a negative three with the additional conditions:

I have reviewed this application, visited the site, and would like to offer the following comments:

This RDA application proposing to place a new structure on a residential lot in the 90 to 100 foot bufferzone of the bordering vegetated wetland.

Mass Endangered Species Act (MESA) - *The area/location is not identified on the Estimate Habitat Map so no filing is required.*

NPDES – Threshold – 1 acre or more a construction general permit is required and is noted in the Stormwater Report under Standard 8.
NA

MassDEP Stormwater Management – NA NA – Hazard Mitigation.

Building Permit & Stormwater Permit - Yes

Applicable regulations:

I recommend a negative 3 based on the regulations: The work takes place in the 90 to 100 foot bufferzone which is in accordance with the regulations: DEP Policy states: limiting the area of alteration to lesser than 5,000 square feet, Leaving at least 50 feet of undisturbed vegetation between the project and the resource area, conforming to the Leominster Stormwater Ordinance, the bufferzone is not on a Outstanding Resource area such as vernal pool, public water supplies or area of critical habitat and erosion controls will be used at the edge of work. Residential Property – built in 1900 prior to 1986.

Added conditions:

1. *Leominster Stormwater Permit*
2. *Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)*
3. *No stockpiling within 50 feet of resource area*
4. *All stockpiles must be covered*
5. *Any changes in plan must be submitted to the Conservation Commission*
6. *As Built Upon Construction Completion*

11. Freda asks the Commission if they have any questions.
12. Brodeur asks that the ditch and the wetlands be protected by erosion controls please.
13. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
14. Freda asks if there are any objections to close the public hearing. There are none. The public hearing is closed at 7:16pm.
15. Gianakis makes a motion to issue a negative three with the additional conditions:
 1. *Leominster Stormwater Permit*
 2. *Erosion Controls (will be 30 feet from the addition and must be approved by Conservation Agent (48 hour written or email notice)The Commission prefers straw wattles over hay bales.*
 3. *No stockpiling within 50 feet of resource area*
 4. *All stockpiles must be covered*
 5. *Any changes in plan must be submitted to the Conservation Commission*
 6. *As Built Upon Construction Completion*
16. The motion is seconded by Pearson.
17. The motion is unanimously approved by the Commission.

Continued Hearings

A continued public hearing was opened on a Notice of Intent for Mark Horgan, Horgan Construction Inc, for construction of a single family home and associated landscaping at 242 Joslin St. The house, driveway, and utility connection are within the 100-foot bufferzone of the bordering vegetated wetlands. Grading for the rear yard is proposed within the existing wetland with a replication area proposed. Assessors Map 577, Lot 4-15 DEP 199-1008

1. David Oliva from David Ross Associates represents the project. He hands out a revised plan. The replication area was moved from the last plan that was submitted. 2300 sq. ft. of replication is proposed. Temporary access is now shown on the plans and a split rail fence is now also being proposed.
2. Freda is very pleased with the new plan.
3. Gianakis speaks to the replication area. He asks once it is completed please submit a plan to us on how it will be maintained.
4. Pearson asks about verbiage on the deed of the property. Oliva says that Mr. Hogan does that on his own. This will be done.
5. DiNardo asks about alternation of 1530 and the proposed replacement of 2300. She wanted to clarify this. It is so.
6. Fran Przybyszewski (269 Joslin Street) has a question of Oliva about building on wetlands. Oliva answers that the house is outside of the wetlands. He also adds that the house will have a foundation footing drain. He is also proposing more wetland to be replaced from that which is taken away. Fran comments that she does not want the wetlands disturbed. She is against the move
7. John Cavallaro (249 Joslin Street) speaks. He speaks to how his driveway is like a swimming pool as it is now. He is concerned about the water that may now go back into his home. Oliva explains that this property is on the other corner and how the side of the street he is making changes on drains to the wetlands on the property. Cavallaro suggest a whole new drainage system.
8. Freda asks does anyone in the audience wish to speak on this hearing.
9. DiNardo's recommendations are:

I have reviewed this application, visited the site, and would like to offer the following comments:

This NOI application is building a new home with wetland filling and wetland replication.

Mass Endangered Species Act (MESA) - The area/location is not identified on the Estimate Habitat Map so no filing is required.

NPDES – Threshold – 1 acre or more a construction general permit is required and is noted in the Stormwater Report under Standard 8. NA

MassDEP Stormwater Management NA – Hazard Mitigation.

Other Applicable Permits:

Building Permit

Leominster Stormwater Permit – waived with conditions listed below.

Then I recommend a Standard Order of Conditions with the boilerplate of conditions to include:

1. Erosion Controls must be approved by Conservation Agent (48 hour written or email notice).
 2. Stormwater Plan to include filter strip along entry way.
 3. No stockpiling within 50 feet of resource area.
 4. All stockpiles must be covered.
 5. Monitoring of the replicated wetland for a period of two years.
 6. Wetland Boundary Signs – posted at 40 foot intervals.
 7. Split-rail fencing along boundary.
 8. As Built Upon Construction Completion.
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10. Freda asks the Commission if they have any questions.
 11. Freda asks does anyone in the audience wish to speak on this notice of intent.
 12. Fran Przybyszewski states again that she is not happy and she would like the Commission to protect the wetlands. Freda insists, with all due respect, that the Commission has done their due diligence. They have done a site walk and have looked at all of the information that has been presented. She apologizes if Przybyszewski is upset with it. She explains that the Commission has to act within the guidelines that are set for them and that the wetlands protection act is very specific on what the Commission can and cannot do. If it meets the requirements then the Commission has to allow it.
 13. John Cavallaro asks does he get any guarantee that he will not be getting any more water. Freda explains that he will not get more water in the driveway from this project because this project is lower than the street. DiNardo offers to meet with the DPW and the Leominster Stormwater Committee on behalf of Cavallaro.
 14. Mark Horgan (the applicant) speaks. This issue is the water comes down Joslin. It goes down and then comes back up. The water goes by Cavallaro's driveway to get to the storm drain. The wetlands being disturbed is 5 feet below the road. If the street is higher than Cavallaro's driveway, Horgan cannot do anything about this. What he can do is possibly create a way for the water to get to the wetlands. He is willing to look into this.
 15. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
 16. Freda asks if there are any objections to close the public hearing. There are none. The public hearing is closed at 7:44pm.
 17. Pearson makes a motion to issue a standard order of conditions with boilerplate and DiNardo's additional comments for construction of a single family home and associated landscaping at 242 Joslin St. Assessors Map 577, Lot 4-15 DEP 199-1008.
 18. The motion is seconded by Brodeur.
 19. The motion is unanimously approved by the Commission.

Pursuant to MGL CH 131 S 40 as amended, there will be a continued public hearing 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. DEP 199-1009

1. Freda asks the Commission if they have any questions.
2. Gianakis re-states that the order is for a single treatment. It is not an open order, correct.
3. DiNardo says she is not given the option to expire the order before the set 3 years.
4. Freda asks the Commission if they have any questions.
5. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
6. Freda asks if there are any objections to close the public hearing. There are none. The public hearing is closed at 7:51pm.
7. DiNardo offers the following recommendation: a standard order of conditions and please know that the boilerplate does not apply.
8. Gianakis makes a motion to issue a standard order of conditions for 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. DEP 199-1009. And he adds that he appreciates the wildlife habitat map. And, if any treatment is done within 25 feet, it will be marked on the map.
9. Pearson seconds the motion.

10. The motion is unanimously approved by the Commission.

Regular Meeting

1. Call to Order
2. Enforcement
 - a. 554 Willard/22 Jytek, there is no update.
3. Communications, there are none at this time.
4. Minutes
 - a. Will be addressed at the next meeting.
5. Old Business
6. New Business
 - a. Ethan Smith - Boy Scout Troop 477, Canoe Ramp, Mechanic St, Johnny Ro's Veterans Park DEP 199-948 46 Smith Street. He is creating a temp parking area to unload equipment for canoeing. There is an existing area that they wish to fill in with crushed stone. He denotes the end point. He asks the Commission are there any other concerns that he should address.
 - i. Freda asks about the crushed stone. Will it be done by hand or with a machine.
 - ii. John Roberge 518 Johnny Appleseed Lane gets up to speak. He states that the canoe parking area has always been there. All the troop wants to do is to decorate the area to unload equipment for canoeing.
 - iii. Freda explains paving versus crushed stone and why paving is more of a concern.
 - iv. The Commission approves this project.
 - b. Trees on Conservation Land – 59 Newton Heights
 - i. DiNardo explains the situation with the large trees hanging over people's property. The trees are on conservation land. She got a quote and submitted it to the Mayor. She was told by the comptroller that she could use Wetland Protection funds. She states that Wetland Protection funds cannot be used to remove trees.
 - ii. Freda asks DiNardo to keep the Commission updated on this concern.
7. Certificate of Compliance, there are none at this time.
8. Extension Permits, there are none at this time.
9. Emergency Certifications, there are none at this time.
10. Agent's Report, there is note one at this time.
11. Sign Papers
 - a. RDA & OOC
12. Chairman's Report, there is note one at this time.
13. Next Meetings
14. April 28, Deadline April 16, 2015
15. Adjournment at 8:08 p.m.

Respectfully Submitted,

Sandy Pellecchia
Scribe