



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

CITY HALL - 25 WEST STREET
LEOMINSTER, MASSACHUSETTS 01453
www.leominster-ma.gov

Joanne M DiNardo
Conservation Agent
conservation@leominster-ma.gov

telephone (978) 534-7524 facsimile (978) 840-8034

Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
April 28, 2015 7PM
Meeting Minutes

I. In Attendance

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Daniel Brodeur		Joanne M DiNardo - Conservation Agent
Kelley Freda – Chair		
Larry Gianakis, Jr.		
Julia McKinney		
	Scott Pearson – Vice Chair	

II. Hearings

A. DEP 199-0933

7:00 PM

A public hearing was conducted on an amended Order of Conditions for Christopher and Holly Kartanos-Garcia for the construction of a single family dwelling and associated grading and landscaping. The project falls within the 100-foot buffer zone of bordering vegetated wetland. Location 1 Royal Oaks Way, Map 514, Lot 12a. DEP 199-0933

1. The applicants are representing themselves. Christopher and Holly Kartanos-Garcia.
2. The only changes are where the house is sitting. They are farther away from the restricted area now.
3. The applicants and Joanne DiNardo have been working closely.
4. Kelley Freda does not have any questions. She asks if any Commission members have any questions.
5. Gianakis notes that there is 10 feet from hay bale lines. He asks is this enough space for equipment to get in and out? He says typically this is 14-15 feet. This will be an area of high activity.
6. Julia McKinney asks can they bring in the equipment on the other side. There is further discussion.
7. Christopher says that there is grass between the hay bales and the wetlands.
8. Holly asks can we do a double hay bale.
9. Freda says she is comfortable with DiNardo approving the hay bales before work is started.
10. DiNardo speaks about monitored daily and having storm event wording in the conditions.
11. Freda asks for other questions or comments.

12. She asks if there is anyone in the audience who wishes to speak on this amended Order of Conditions.
13. Penelope Munsey of 110 Old Tavern Road asks if this project will affect the water table.
14. Gianakis says why move away from the restricted area instead of moving toward the restricted area and away from the wetlands.
15. McKinney asks can you pull the house forward. Christopher tells her about an easement that he cannot cross.
16. Gianakis tells Munsey that the changes proposed will displace less water than previous plans would have.
17. Freda reminds Munsey that Christopher and Holly Kartanos-Garcia have approval already. Munsey understands. She is just concerned about more water in her basement.
18. There is discussion about the existing stone wall and the lawn to be put in. Freda recommends phosphorous free fertilizer is used please.
19. Freda asks if there is anyone else in the audience who wishes to speak on this order. She asks a third time and no one comes forward.
20. Freda asks is there any objections to closing the public hearing. There are none. The public hearing is closed at 7:20p.
21. DiNardo goes over her recommendations.
 - a. DiNardo has been on site several times.
 - b. She recommends an amended order be issued and that the boilerplate plus site specific conditions still be followed.
 - c. She would add the condition to have the resident use phosphorous free fertilizer.
 - d. She would add the condition that the hay bales and erosion controls be monitored on a daily basis.
22. Gianakis makes a motion to issue the plan as presented for the amended Order of Conditions for 1 Royal Oaks Way, Map 514, Lot 12a. DEP 199-0933, Christopher and Holly Kartanos-Garcia for the construction of a single family dwelling and associated grading and landscaping with the existing conditions. He includes the conditions that the resident use phosphorous free fertilizer and that the hay bales and erosion controls be monitored on a daily basis. Brodeur seconds the motion. The motion is unanimously approved by the Commission.

B. 900 Central St, Map 317, Parcels 5B1, 5A2.

7:05 PM

A public hearing was opened to consider a Request for Determination by Lisciotti Development Corp. for whether the work depicted on plans is subject to the Wetlands Protection Act or is subject to any municipal wetlands ordinance. The work consists of grading within the 100-foot buffer zone of bordering vegetated wetland. No paving or buildings are proposed to be constructed within the 100-foot buffer zone. The limit of work is beyond the 50-foot buffer zone. Address 900 Central St, Map 317, Parcels 5B1, 5A2.

1. Bill Hannigan from Hannigan Engineering, Inc. represents the project. Mr Gregg Lisciotti was also present.
2. The building (7200 sq. ft.) and the paved area are outside the buffer zone. He reviews the engineering plans shown on the easel. He stated they did their best to stay out of the 50-foot bufferzone. The building and paved areas are outside of the bufferzone. Only grading is within the bufferzone. Access points will be from Route 12. There is roof drain system at the back of the building. The RDA is in order for this project because they are staying out of the 50 foot buffer area.

3. Freda asks if any Commission members have any questions.
4. Gianakis asks if all of the water is being carried off-site. Bill identifies the basin that the water will drain to. He explained that the drainage will be piped to the Brooks Pond detention basin. Mr Bovenzi will be installing this system. The MEPA filing did include this property as part of the 85 percent impervious surface with the original Brooks Pond filing.
5. McKinney asks how will you stabilize the wall. Mr Hannigan says the stabilization will be worked on in September. Jute matting is included on the plan if erosion becomes a problem.
6. Freda asks about regular maintenance on the basins on the entire Brooks Pond site. There must be a maintenance plan. Mr Hannigan stated that Ms DiNardo did conduct site walks and most of the detention basins have been cleaned up and are being maintained.
7. Ms DiNardo asked where the stormwater will go during construction. Mr Hannigan stated that they can use an existing pipe that does outlet but does not connect to the basin. For now the water could dump into the field. Ms DiNardo clarified that the site is just under an acre so it does not require the EPA Construction General Permit. She did comment that the stormwater plan was clearly marked out on the plan. This must be included in the long term maintenance. Mr Hannigan suggested that Ms DiNardo state the requirements to the Planning Board.
8. Freda also asks if a sign can be put up that says no auto or vehicle repairs in the parking lot. Mr Hannigan will ask if this can be done. Mr Lisciotti stated that the front of the store has a concrete slab.
9. Gianakis asks if waste oil is stored on site. Mr Hannigan says nothing is stored outside.
10. McKinney asks about snow removal / storage. Mr Hannigan explains the general plowing and the room that is there for snow storage. If necessary snow will be removed off-site.
11. Freda asks for other questions or comments.
12. She asks if there is anyone in the audience who wishes to speak on this Request for Determination.
13. Freda asks if there is anyone else in the audience who wishes to speak on this. She asks a third time and no one comes forward.
14. Freda asks is there any objections to closing the public hearing. There are none. The public hearing is closed at 7:38p.
15. DiNardo recommends a negative three. With the following conditions:
 - a. Erosion controls and filter strip will be 30 feet from the addition and must be approved by a Conservation agent with either a 48-hour written or e-mail notice.
 - b. Preconstruction meeting.
 - c. 24-hour notice prior to the start of work.
 - d. No stockpiling within 50 feet of the resource area.
 - e. All stockpiles must be covered.
 - f. Any changes in plan must be submitted to the Conservation Commission
 - g. As Built upon completion.
 - h. The Commission prefers straw waddles over hay bales.
16. Gianakis makes a motion to issue a negative three for the Request for Determination by Lisciotti Development Corp. for Address 900 Central St, Map 317, Parcels 5B1, 5A2 with DiNardo's added conditions. McKinney seconds the motion. The motion is unanimously approved by the Commission.

C. DEP 199-1010

7:10 PM

A public hearing was opened on a Notice of Intent for the City of Leominster, for implementing property improvements along the Monoosnoc Brook Greenway in downtown Leominster. The

work will include installing a walkway, benches and bridge. Additional work will include removal of a bridge, and vegetation removal and vegetation plantings. The project falls within the 50-foot riparian zone of the Monoosnoc Brook, a perennial stream. Location: Off Central St and Adams St, Maps 14, 15, 16, and 17. DEP 199-1010

1. James Pfeiffer from Brown, Richardson & Rowe represents the project.
2. He shows an increase in flood storage.
3. There is no wildlife habitat to protect regarding this project.
4. Freda asks about the neighbors questioning the plantings. She asks will that be part of the project. James says yes.
5. Freda asks do any other Commissioners have any questions.
6. Gianakis appreciates the increase in flood storage.
7. DEP note summary table with proposed cuts and fills will be sent to them says James.
8. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
9. Freda asks if there are any objections to closing the public hearing. There are none. The public hearing is closed as of 7:50 p.m.

10. DiNardo's recommendations are to issue a standard order of conditions with the boilerplate:
 - a. Hay bales and silt fence must be inspected by a Conservation agent with either a 48-hour written or e-mail notice.
 - b. Preconstruction meeting.
 - c. 24-hour notice prior to the start of work.
 - d. No stockpiling within 50 feet of the resource area.
 - e. All stockpiles must be covered.
 - f. As Built upon completion.
 - g. Any changes in plan must be submitted to the Conservation Commission.

11. Gianakis makes a motion to issue a standard order of conditions with the boilerplate and the conditions DiNardo presented. The motion is seconded by Brodeur. 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 at this time.
3. Communications, there are none at this time.
4. Minutes
 - a. March 10, 2015.
 - i. These will be taken care of at the next meeting.
 - b. March 24, 2015
 - i. These will be taken care of at the next meeting.
5. Old Business, there is none at this time.
6. New Business, there is none at this time.
7. Certificate of Compliance, there are none at this time.
8. Extension Permits (Note Permit Extension Act – Qualifying Period August 15, 2008 and extending through August 15, 2012)
 - a. 199-774 Brooks Pond – Approved 6/9/2004, Expire 6/9/2015 (See Letter)
 - i. 2004 original order. Several extensions. 3-5 years construction has been intermittent. Items relative to site construction taken care of. Four more

- buildings left to be built. Two of those buildings have work to be done within the buffer zone. They are looking for an extension so the buildings that have work in the buffer zone can be taken care of.
- ii. DiNardo asks what is the scope of work that is to be done and the priority.
 - iii. DiNardo says registry of deeds is in order. She asks about DEP sign and NPDES sign is posted. This will be done.
 - iv. DiNardo does recommend a 3-year extension.
 - v. Gianakis says hay bales and silt fences are broken down and not replaced. He would like to see erosion control built up again.
 - vi. Brodeur makes a motion for a 3-year extension on 199-774 Brooks Pond with condition added that there is a pre-construction meeting before any work is done. McKinney seconds the motion. It is unanimously approved by the Commission.
- b. 199-881 Fini, Lot 1, No Work Started, Approved 6/10/2008, Expire 6/10/2015
 - i. Freda's opinion where no work has been started, please give a 1-year extension and let the project come back in for more information.
 - ii. Gianakis says why even give the extension. Especially since a lot can change in the number of years that have gone by.
 - iii. Freda does agree with Gianakis. She adds right now they have orders of conditions. And many of them have long lists of conditions. She looks to the future and offers that if an extension is not given then the Commission may not be able to be as strict as they have in the past. She would like to see a 1-year extension given. McKinney agrees.
 - iv. Freda asks for questions.
 - v. Gianakis makes a recommendation for a 1 –year extension for 199-881. Seconded by McKinney. It is unanimously approved by the Commission.
 - c. 199-882 Fini, Lot 2 No Work Started, Approved 6/10/2008, Expire 6/10/2015
 - i. Gianakis makes a recommendation for a 1 –year extension for 199-882. Seconded by McKinney. It is unanimously approved by the Commission
 - d. 199-883 Fini, Lot 3 No Work Started, Approved 6/10/2008, Expire 6/10/2015
 - i. Gianakis makes a recommendation for a 1 –year extension for 199-883. Seconded by McKinney. It is unanimously approved by the Commission
 - e. 199-884 Fini, Lot 4, No Work Started, Approved 9/24/2008 Amended, Expire 9/24/2015
 - i. Gianakis makes a recommendation for a 1 –year extension for 199-884. Seconded by McKinney. It is unanimously approved by the Commission
 - f. 199-864 Elm, Lot 1 No Work Started, Approved 10/30/2007, Expire 10/30/2015
 - i. Gianakis makes a recommendation for a 1 –year extension for 199-864. Seconded by McKinney. It is unanimously approved by the Commission
 - g. 199-865 Elm , Lot 2, No Work Started, Approved 10/30/2007, Expire 10/30/2015
 - i. Gianakis makes a recommendation for a 1 –year extension for 199-865. Seconded by McKinney. It is unanimously approved by the Commission
 - h. 199-961 Pierce, Lot 4, Sewer & Water brought in, Approved 9/11/2012, Expire 9/11/2015
 - i. DiNardo says some of the work has been done. They are asking for a 3-year extension. 1 home has been built, so there is activity,
 - ii. DiNardo would recommend a 3-year extension.
 - iii. Gianakis would like to add one more condition that prior to any work beginning a preconstruction meeting must take place with the Conservation Commission or its Agent.

- iv. Gianakis makes a motion for a 3 –year extension for 199-961 Pierce, Lot 4 with the added condition that prior to any work beginning a preconstruction meeting must take place with the Conservation Commission or its Agent. Seconded by McKinney. It is unanimously approved by the Commission.
- 9. Emergency Certifications, there are none at this time.
- 10. Agent’s Report, there is not one at this time.
- 11. Sign Papers
 - a. OOC, Ext Permit
- 12. Chairman’s Report, there is not one at this time. But Freda notes the Mayor’s city-wide clean up.
- 13. Next Meetings
 - a. May 12, 2015 Deadline May 1, 2015
- 14. Adjournment at 8:12pm

Respectfully submitted,

Sandy Pellecchia, Conservation Scribe

The 8 interests identified in the Wetland Protection Act

- (1) Protection of public and private water supply*
- (2) Protection of ground water supply*
- (3) Flood control*
- (4) Storm damage protection*
- (5) Prevention of pollution*
- (6) Protection of land containing shellfish*
- (7) Protection of fisheries*
- (8) Protection of wildlife habitat*

Kelley Freda, Chair
Leominster Conservation Commission
25 West Street
Leominster, MA 01453

April 15, 2015

RE: Extension Permit for Order of Conditions
DEP FILE #199-774
~900 Central Street, Leominster, MA

Dear Ms. Freda,

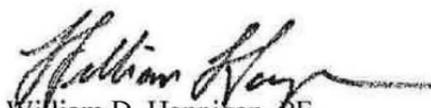
On behalf of our client Liberty Rental Corp., Hannigan Engineering, Inc. is submitting this request for the extension of the Order of Conditions, issued by the Conservation Commission on June 9, 2004 for the Brooks Pond apartment complex off Central Street in Leominster, Massachusetts. The original Order was extended to June 10, 2010 and again to June 9, 2011. With the Permit Extension Act, this Order was automatically extended for an additional four years to June 9, 2015.

Over the past 3 to 5 years the construction activities at the site have been intermittent due to economic conditions. Over the past year, however, the Developer has worked with the Commission through its Agent to address some of the concerns relative to maintenance of the stormwater system on the site. As the project proceeds, the detention basin on the westerly side of Keys Brook at the northern most portion of the project will be completed, including the installation of the drainage piping from the driveway known as Brooks Pond Road, including all relative appurtenances. This is being advanced to accommodate the stormwater flows from the commercial portions of the site along Central Street.

The remaining construction areas on the project are currently stable. Of the remaining buildings to be constructed, only small portions of Building #5 and Building #8 would be within the jurisdictional areas, along with associated grading. The final detention basin on the south eastern most portion of the site is the remaining stormwater component to be constructed within the buffer zone. Additional residential buildings on the north western portion of the property would be beyond the buffer zone of the wetlands and Riverfront Area. Construction on the commercial portions of the property is not included within the Order of Conditions and would require additional filings with the Commission prior to construction.

The applicant is requesting that the Commission provide a three year extension in order to allow sufficient time to complete the construction activities as stated herein. At a minimum, it is the intention of the applicant to complete those activities within the jurisdictional areas within this timeframe. Hannigan Engineering, Inc. hopes this information is sufficient for your needs at this time. Should you have any questions regarding this matter, please do not hesitate to contact me at the office.

Sincerely,
HANNIGAN ENGINEERING, INC.


William D. Hannigan, PE
President