



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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

I. In attendance:

Kelley Freda - Chairperson	Joanne DiNardo Conservation Agent
Daniel Brodeur	
Larry Gianakis, Jr.	
Julia McKinney	
Scott Pearson – Vice Chairperson	

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

III. Hearings

7:00 PM

A 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 20 Nass Farm Rd. A portion of the work will take place within the 100-foot bufferzone of the bordering vegetated wetlands. Assessors Map 577, Lot 4-11, DEP 199-1007.

1. Robert Oliva, from David E. Ross Associates represents the project. Mark Horgan, Horgan Construction was also present. The project is construction of a single family house on lot 7. There is a wetland across the back portion of the lot. Accepted and approved in the original development. The concern is that there is grading in the rear of the house within the buffer zone.
2. Freda asks are there any Commissioners who wish to speak on this matter.
3. What is the elevation change in the back asks Gianakis. Mr Olva explained the elevations are about 465 at the haybales and 480 up out of the buffer zone. So to the top of the buffer zone it is about 472. So it is a 6 or 7 degree rate change.
4. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward. At 7:04 Ms Freda declared the hearing closed.
5. Freda asks for DiNardo's recommendations. They are:
6. *I have reviewed these applications, visited the site, and would like to offer the following comments: The work will take place outside of the 50 foot buffer of the bordering vegetated wetlands. The work in the buffer is site grading. The work is 60 feet from the resource area. The rear of the property contains wetlands. I recommend a standard order of conditions with the **boiler plate** and the following added conditions:*
 - a. *Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)*
 - b. *24 Hour notice prior to start of work*
 - c. *No stockpiling within 50 feet of resource area*
 - d. *All stockpiles must be covered*
 - e. *Wetland do not disturb wetland boundary markers along the wetlands (every 20 feet)*
 - f. *Any changes to this property must be approved by the Conservation Commission*
 - g. *As Built Upon Construction Completion*
7. Gianakis makes a motion to issue a standard order of conditions with the boiler plate and DiNardo's recommendations for Assessors Map 577, Lot 4-11, DEP 199-1007.
8. Pearson seconds the motion. The motion is unanimously approved by the Commission.

A 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

1. Robert Oliva from David E. Ross Associates represents the project. Construction of a single family house on the lot. Utility connections, driveway, grading and landscaping all within the 100-foot bufferzone. They are providing erosion controls. This project proposes wetland filling to create a backyard for the property. There is also a replication area planned.
2. Mark Horgan, Horgan Construction comes forward to explain a bit. He explains the wetland that exists because of the cart path. Because of that as water drains there it just sits there. Horgan has put in a replication area.
3. Freda asks are there any Commissioners who have questions or comments.
4. Freda says she is fundamentally against filling the wetland for a backyard. She asks is there any alternative for instance turning the house angle.
5. Mr Horgan says he does not have to fill wetlands. That is an option. He brings the option that he proposes in the drawings to the Commission; however he says he does not need to fill the wetlands. He is addressing what usually happens on a lot with wetlands as it would eventually be filled in by the homeowner.
6. Gianakis agrees with Freda. He does not feel comfortable with filling in the wetlands.
7. McKinney asks if they can turn the house facing it to Day Street. Mr Oliva says the back of the house would then backup to the wetland. Horgan says this is an idea. Mr Horgan states that ideally the house should face Joslin not Day due to traffic. Mr Oliva says facing the house to Day Street increases the odds that the wetlands get filled by the homeowner. Mr Horgan stated it would be hard for the Agent to see all of the violations on back streets. He is addressing the filling up front and yes this is a marginal lot. Ms Freda stated that she understands Mr Horgans point of view but still believes the Commission can issue enforcement orders for wetland filling.
8. Pearson also says he agrees with Freda and Gianakis. Pearson asks if we do not authorize the fill of the portion of the wetland where does the perimeter drain go. Horgan says the perimeter drain can work regardless. Mr Horgan stated that by code they must put in a perimeter drain that would go to the lowest spot.
9. Brodeur asks what the success of replicated wetlands is. Horgan says it grows back the way it should and the success rate is very good. Ms DiNardo agreed as long as the hydrology is in place. Mr. Horgan stated that you literally take the existing wetland vegetation and muck and move it to where you are replicating. The hydrology will take care of replication. Mr Horgan is proposing a 1.5 to 1 replacement.
10. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
11. Freda asks for DiNardo's comments. She offers that she cannot make a recommendation at this time. She says she would have to wait for spring for the thaw out before she makes a recommendation.
12. Horgan agreed and suggested waiting until April or May.
13. Freda asks for a motion to continue this hearing to April 14, 2015. Pearson makes a motion to continue the hearing for construction of a single family home and associated landscaping at 242 Joslin St., Assessors Map 577, Lot 4-15 until the April 14, 2015 meeting. McKinney seconds the motion. The motion is unanimously approved by the Commission.

IV. Continued Hearings

V. Regular Meeting 7:25

1. Call to Order
2. Enforcement
 - a. 554 Willard/22 Jytek, we have reached out to the property owners, we are in communication.
3. Communications, there are none.
4. Minutes:
 - a. November 25, 2014. Pearson makes a motion to accept the minutes from November 25, 2014 with the one change requested by the Chairman. The motion is seconded by Gianakis. The motion is unanimously approved by the Commission.
 - b. Feb 10, 2015, will be approved at the next meeting.
5. Old Business, there is none.
6. New Business, there is none.
7. Certificate of Compliance, there are none.
8. Extension Permits
 - a. 1275 Central Street – DEP 199-849. Joanne was sent a letter for an extension permit and a partial certificate of compliance. Joanne asked them to send us a letter with only the extension permit. This will wait until the next meeting.
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 - Massapoag
12. Chairman's Report, there is not one at this time.
13. Next Meetings
 - a. March 10, 2015, Deadline February 26, 2015
14. Adjournment at 7:29 p.m.

Respectfully Submitted,

Sandy Pellecchia
Scribe