



CONSERVATION COMMISSION
City of Leominster, Massachusetts

CITY HALL - 25 WEST STREET
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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
March 11, 2014, 7PM
Minutes

Members Present

Kelley Freda – Chair
Gregory Day
Eric Dubrule
Larry Gianakis, Jr
Julia McKinney

Members Absent

Scott Pearson – Vice Chair
Dan Brodeur

Staff Present

Joanne M DiNardo - Conservation Agent

Ms Freda opened the meeting at 7:00PM.

Hearings – No Hearings Scheduled

Continued Hearings – No hearings Scheduled

Regular Meeting

1. Call to Order
2. Enforcement
 - a. 30 Theresa Drive – Commission will conduct a site walk as soon as the snow melts
 - b. 554 Willard – Nothing to report
 - c. 22 Jytek Rd – Nothing to report
3. Communications – Nothing to report
4. Minutes
 - a. Minutes February 11, 2014, Larry Gianakis motioned to accept the minutes, Greg Day seconded and the vote was unanimous.
5. Old Business
 - a. Website Design – Ms DiNardo explained that the City Webpage is being updated and the new one will be much more user friendly and the Commission will be able to update pages. A lengthy discussion took place regarding the options for the new web pages. By the next meeting we should identify what we want on the website. The brochure should be reviewed and the Commission should develop the top 5 “how do I” questions to post on the front page. Ms Freda suggested that the Commission brainstorm and give the ideas to Joanne. Newton, Wellesley, and Burlington Webpages were reviewed.

Items discussed: Agenda, minutes, dog waste, stormwater ordinance, mission statement, conservation commission members and terms, map with wetlands, list of conservation land parcels. Links to ACEC, Natural Heritage, DEP and MACC links, Emergency Contacts Health Dept, Police and Fire, separate page for stormwater with link for kids' information page with education and links. Ms DiNardo will work on the formatting and content and will work with web designers. Ms Freda cautioned advertising the DEP because all calls would go there instead of the city for proper fact finding. Ms McKinney will review the brochure and suggested that it be revised and condensed. The Commission will control the content going forward and can update the pages. Ms DiNardo will research the brochure and possible one page information sheet. Ms DiNardo stated we can reserve the pages for what we want. Ms Freda suggested link to the best brochures. Ms DiNardo will work on a prototype. She encouraged the Commission members to look for best website designs and if they have any ideas please forward them to her.

7:16

- b. Enforcement – 24 Jytek Drive – EasyPak owner and representatives were present: Marco Barbier- Managing Partner, Kerry Boudreau – Service Manager, and Josie Inman – Labor Relations. Ms DiNardo explained that she had received a complaint that construction work was taking place on the property with no apparent permits. The work included tree and soil removal in an area that is adjacent to an intermittent stream and wetlands. The soil was moved to 22 Jytek and 554 Willard Street which were already under

enforcement. Ms DiNardo attempted to reach the owners and through the Mayor the owners did respond to the Commission. The property owners did make the changes to accommodate the growing business but were unaware that the property was under jurisdiction of the WPA. They did not intentionally bypass the commission and are here to find out how they can remedy the situation and meet the commission's orders. All soil has been removed and no erosion controls were removed. The site is jurisdictional and the history shows the building was constructed under an order of conditions and the right of way and sewer easement runs along the property and was also conducted under an order of condition. Ms DiNardo presented the plan from the Registry of Deeds.

Mr Barbier, Managing Partner spoke on behalf of EasyPak. He introduced his team and explained they are present to seek guidance from the Commission. He spoke highly of his team members. All work ceased when they got the notice of non-conformance in November. He gave a history of the company and stated that they recently purchased this property. They have been renting since 2004. Their company is a plastic manufacturing that they started from scratch. They moved here from overseas. One of their tool makers was Mr DeFelice from Banner Mold and he encouraged them to move their business to Leominster. They bought another company in Michigan with 50 employees. The Company is very successful and has grown to employ 75 workers and office staff. As they have grown they were able to afford the purchase of both 24 and 30 Jytek Drive. They needed to expand the parking and move it out of the driveway. Trucks are coming and going and it is unsafe the way the parking is set up. They hired Esposito to do the job and he did. The job is not completed because they found big rocks and boulders and then they got the letter from the Conservation Commission. They did review the drawings that were sent with the letter. Their perception was different from the drawings. Mr Barbier did recall the meeting with the DPW regarding the easement. They allowed the easement as long as everything was re-stabilized to the way it was before the construction.

Mr Boudreau questioned the registry of deeds surveyed plot plan and stated that this plan is not exactly the same as the field conditions. He believes the work that was done was not in the wetlands and was 30 feet away from the wetlands. They are a green company and had no intention to hurt the environment. He observed that there is a lot of grass and the area is stable. The area they hauled the fill away from is lower than the wetlands. The property now pitches into the parking lot not into the wetlands. This was just ignorance on our behalf. They expected that the people they hired should have known that they needed permits. They also got caught off guard by the amount of fill that was removed. Mr Barbier stated that they did not work in the wetlands. Mr Boudreau stated that the stream dries up in the summer.

Their plan is to put in a parking lot and remove the rocks on the easement. Mr Barbier questioned the accuracy of the map. He questioned the need to comply with the conditions in the letter including the erosion controls. Ms DiNardo will defer the requirements to the Commission and stated that the site is flat. She further stated that generally erosion controls are required during constructions and any site is required to meet Mass stormwater regulations and additionally disturbance of over one acre requires a NPDES. Mr Gianakis stated that in this case since the land is flat it may not need erosion controls. He agreed to conduct a site visit to give them guidance and possibly waive the need for erosion controls.

Mr Boudreau stated that they wanted to put in a parking lot and planned to use graded base to see if that would work. They do not have enough space for parking or storage. Mr Boudreau did not have measurements for the new parking lot. He utilized the map to estimate the parking area. He stated that it depends on funding. They need to stabilize the site either with graded base and seed the area that is not being used. They operate a clean operation and dust is a problem.

Mr Day suggested an engineered plan due to the size of the area. It will need to be pitched properly to handle the runoff. In addition they need to consider where the snow storage would be. Mr Day stated when spending this amount of money they should seek engineering advice. Mr Gianakis stated that this is a large area of disturbance. He recommended an engineered plan that will protect the property and the wetlands. The end result will be a plan that clearly delineates the wetlands etc. Ms Freda stated that the engineer will walk you through the process. You will be filing a NOI with the Commission.

Mr Gianakis stated that the rocks should be removed if they are on the easement. Mr Boudreau stated that they plan on finishing the project in the spring. Ms Freda recommended that the rocks be removed from the easement. Mr Boudreau stated that Mr Esposito offered to remove the rocks and had someone who would take them.

7:46

Mr Barbier stated that the junk yard folks were upset because they believe that removal of the fill and woods opened up the back of the junk yard and they now have had theft.

Ms Freda summarized that the Commission agrees to the removal of the rocks, and an NOI with an engineered plan for the parking lot. Mr Gianakis agreed to visit the site and assess the need for the erosion controls. He will notify Ms DiNardo when he has finished the site walk.

Mr Boudreau commented that there are trailers parked on the easement. They use Pratt Trucking and they move 15 trailers a day. If they need to move one off the ROW then they can do that within 15 minutes.
7:51

6. New Business

a. Vote and Sign Dobson Circle Conservation Restriction (199-880) Bk-Pg: 8079-31, Plan 492-22

Ms DiNardo presented the proposal and explained it was sent to the commission for comment some time ago but was never presented for the Conservation Vote. The deed clearly states that the 12 foot easement is on Lot 12. Mr Gianakis asked if the conservation commission sign had been placed. Ms DiNardo explained that the commission did review and provided three conditions at the Developer must place deed restriction on lot 12, Leominster Conservation will place signs along the back of the properties. In addition the Commission asked that the sign be place at the entrance of the recreation easement at the street.

Mr Gianakis motioned to accept the Dobson Circle Conservation Restriction Parcel, Greg Day seconded and the vote was unanimous.

7. Certificate of Compliance – nothing to report
8. Extension Permit – nothing to report
9. Emergency Certifications – nothing to report
10. Agent's Report – nothing to report
11. Sign Papers
12. Chairman's Report – Ms Freda stated that the City Council is scheduling meetings with various commissions and boards. She will let the Commission know when the date is set.
13. Next Meeting – March 25, 2014 Deadline March 14
14. Adjournment – Ms Freda declared the meeting closed at 7:57PM.

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