



Kelley Freda
Chairperson

CONSERVATION COMMISSION
City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
March 25, 2014, 7PM
Minutes

In attendance:

Members Present	Members Absent	Staff Present
Daniel Brodeur		Joanne M DiNardo - Conservation Agent
Gregory Day		Sandy Pellechia - Scribe
Eric Dubrule		
Kelley Freda - Chair		
Larry Gianakis, Jr.		
Julia McKinney		
Scott Pearson – Vice Chair		

Guests:

Bob Knowles, representing 350 Industrial Road
Brian Kopperl, representing 350 Industrial Road
Steve Mullaney, representing 350 Industrial Road
Michael Piermarini, 931 Elm Street
Judith Refrigeri, 758 Merriam Ave.
Michael Sauvageau, 746 Merriam Ave.

I. Kelley Freda opens the meeting is opened at 7:00 pm

II. Hearings

A. A public hearing was opened on a Notice of Intent by Michael Sauvageau for demolition and construction of single family home and associated site work. A portion of the work is within 100-feet of Pierce Pond. Address 746 Merriam Ave, Assessors Map 262, Lot 15A.

1. Michael Sauvageau, 746 Merriam Ave., spoke about the demolition and construction of a single family home and associated site work at 346 Merriam Ave., Leominster, MA. He had pictures, a highlighted tape survey, and the following narrative to share:
 - a. Currently there is no DEP file number on this notice of intent yet.
 - b. Sauvageau's intent is to take down one house and put up a new one.
 - c. The 50X60sf pink shaded area is to be level graded with the removal of about 6 inches – 1 foot of fill to be redistributed in the blue shaded area. There will be no new or additional fill to be placed in the one hundred year flood zone. This will maintain the current flood zone storage capacity.
 - d. The green shaded area against the rear of the house is a 4 x 22 foot covered porch.
 - e. The purple shaded area is a 12 x 24 foot concrete patio slab.
 - f. The green line between the pink and blue shaded areas is a stone wall which will be made from the existing house foundation.

- g. The wall adjacent to the beach and the side of the garage will be about two feet high. This will provide protection and stabilization of the beach sand as well as provide a level area adjacent to the garage to access the beach area.
 - h. The wall adjacent to and just within the 100 year flood zone parallel with the patio slab will be about 3 feet in height to maintain a level area ten feet from the patio slab. This will provide an area grass and plantings and stabilize the area in front of the patio slab. This area will be about 1 foot higher than the current elevation in order to only have one step into the house.
2. The Conservation Commission asks Sauvageau the following questions:
- i. Julia McKinney asks where will the equipment come into the property to do the project? Sauvageau answers that it will come between the house and the garage through the driveway.
 - ii. Scott Pearson makes note of the driveway which is inside the buffer zone. He asks if the driveway is existing or proposed? Sauvageau answers existing. He also adds that he wishes to extend the driveway to the garage at some point.
 - iii. Pearson asks what is your time frame on this? Sauvageau answers that he is waiting for the DEP number, if approved tonight, and is looking into next week to disconnected utilities if approved.
 - iv. McKinney asks when you take down the old house are you just taking it down and getting rid of it right away? Sauvageau answers yes, demolition would be between April 7-12.
 - v. Larry Gianakis, Jr. asks if Sauvageau can extend this project a little further? Sauvageau answers that he will do whatever the board would like for him to do.
 - vi. Gregory Day requests to add a condition with all of the construction that Sauvageau please cover any loose material or anything piled up. Sauvageau answers yes, of course.
3. Abutter Judy Refrigeri, 758 Merriam Ave., voices one concern. Her concern is that the water-bearing capacity may be changed. Judy says that she and her husband Randy do not have any objections at all as long as the water does not come in her land (whereby she would need additional sump-pumps).
4. Pearson says that he would like to take a site walk. Being that the next meeting is April 8th he believes that there is time to do so.
5. There is discussion between McKinney and Sauvageau about trees that are being taken down.
6. Michael Piermarini, 931 Elm Street, states that he has no problems with the project. He is in support of Mr. Sauvageau's project.
7. Discussion on the project: Pearson says there is a small window for a site walk. He would like to see it before voting on it. Gianakis says he's fine with the project and with a site walk. The only concern would be the grading. He would still like to give the go on demolition. Freda asks Joanne DiNardo if she has any concerns on this project. DiNardo defers to the commission if they would like to go on a site walk. Freda asks Sauvageau if that holds him up at all. Sauvageau has a concern once the house is down they will pull the stones up and put them in the driveway, he will have no where to put the stones and the demo part of the job will be delayed and Sauvageau will have to bear the expense. Refrigeri offers that the Commission could come through her property to access the site. Freda asks Piermarini about the back yard. She further explained to the Commission members that Mr. Piermarini's opinion was valued because he had been the past Chairman of the Leominster Conservation Commission for many years. Piermarini offers that he approves the change in the topography and he also approves the fill. Piermarini's opinion is that a standard order of commissions should be issued. Freda agrees with Piermarini; she does not want to hold Mr. Sauvageau up. Pearson states that he is OK with that. The Leominster Conservation Commission unanimously agrees to have Sauvageau proceed with the project.
8. The Public hearing is closed at 7:51 pm.
9. DiNardo's recommendations are as follows:

- i. OOC will be issued provided a DEP File number is issued and pending no comments from DEP
- ii. 48 Hour Notice prior to the start of work and for inspection of sediment controls for installation of the stream crossing.
- iii. Pre-Construction meeting with property owners and with Leominster Conservation Agent
- iv. All stock piles must be covered
- v. Any further changes must be submitted to the Conservation Commission
- vi. Upon completion must submit an As Built plan with elevations and pictures for this project upon completion, stamped by PE.

10. **Gianakis makes a motion for a standard order of conditions with DiNardo's recommendations and he would like to add that in the as-built the lot elevations are noted. And also that there is no additional fill in the 100 year flood plain. The motion is seconded by Pearson. The vote is unanimous, 7 members in favor. 0 opposed.**

B. 7:55PM A public hearing was opened on an Abbreviated Notice of Resource Area Delineation by Syncarpha Massachusetts, LLC for construction of a ground-mounted solar system. The proposed work is outside the 100-foot bufferzone as previously delineated in 1993 and re-delineated and reflagged in 2012. Address 350 Industrial Road, Assessors Map 256, Lot 4, DEP file 199-195.

- 1. Steve Mullaney presents engineered drawings and speaks on behalf of the project at 350 Industrial Road. The project is to develop the city's first large solar facility. Mullaney gives a brief description of the 15.7 acres.
- 2. Mullaney states that in 1997 there was a request for determination of the water bodies on the property ... were they qualified as rivers was the question. The Commission at the time noted that these were intermittent streams.
- 3. Mullaney informs those present that on November 28, 2013 he and DiNardo walked the site and the Wetland delineations.
- 4. Mullaney informs the group that the City of Leominster needs something in writing from the Leominster Conservation Commission that this project will be outside the buffer zones. He is asking the Commission to provide this to the City of Leominster via the Abbreviated Notice of Resource Area Delineation (ANRAD) process.
- 5. Freda asks if any commission members have questions:
 - i. Gianakis would like to see the site. Mullaney states that the Renewable Energy Act application requires a decision from commission on April 25 (this is the submission date to the state). Gianakis says that he has not seen the wetlands and is being asked to vote on something he has not seen. Brian Kopperi, also representing 350 Industrial Road, adds the time constraints are "real financially".
 - ii. DiNardo's recommendations are as follows and she states that she is OK with the project as it is laid out in the plan:

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

Based on the updated plan it appears that all of the work is proposed to take place outside of the 100 foot buffer zone of the bordering vegetated wetlands. I visited the site on November 28, 2012; however I did not verify the flagging with the plan and did not conduct any soil samples to confirm the BVW boundary. The plans do not show the edge of work or the erosion controls. The previous review was completed in 1993 by Mr. Caron and in 1997 a positive determination was issued because no BVW was included with the intermittent stream. Most recently in 2012 Ross Associates re-delineated the entire parcel. The slope is less than 15% so an ORAD is appropriate.

I recommend that the Commission issue the order confirming the boundary and that the following criteria have been met: The buffer zone does not contain slopes greater than 15 percent, that the buffer zone does not contain Estimated Habitat of Rare Wetlands Wildlife, that the bufferzone does not border outstanding resource waters, no work will occur within 50 feet of buffer zone, The impervious surface will not exceed 40 percent of the area of the

bufferzone between 50 and 100 feet from the resource area, that at least one week prior to starting work, the applicant is required to notify the Commission in writing (Mail or Email) that the erosion controls are in place to allow for commission verification, and that the applicant is required to file the Stormwater Pollution Prevention Plan and to meet the NPDES National Pollutant Discharge Elimination System and a copy of the SWPPP plan must be submitted to the Commission for review.

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. (the total acreage on site is 15+) The NPDES stormwater program requires construction site operators engaged in clearing, grading, and excavating activities that disturb 1 acre or more, including smaller sites in a larger common plan of development or sale, to obtain coverage under an NPDES permit for their stormwater discharges. As noted in this application the Stormwater Management Plan is under development.

MassDEP Stormwater Management – A Management Plan is being developed and standards 1-10 must be met.

- iii. Day asks what is the most recent flagging? Mullaney says in the fall of 2012.
- iv. Freda says the commission needs to decide if they want a site walk or not. There is discussion. Gianakis is the only commissioner who would like a site walk. All others do not require a site walk.
- v. The Public Hearing is closed at 8:12 p.m.

6. Pearson makes a motion to Issue an ORAD for DEP 199-995, 350 Industrial Road, plan #161-D-4. Day seconds the motion. Freda asks for any other discussion. The vote is 6 in favor and Mr Gianakis was opposed.

- III. Enforcements. There is nothing new on any of these projects.
 - A. 554 Willard - They have hired Whitman and Bingham LLC.
 - B. 22 Jytek Rd
 - C. 24 Jytek Dr. – They have hired McCarty Associates, Inc. to do their engineering.
 - D. 30 Theresa Drive
- IV. Communications, there are none at this time.
- V. Minutes
 - A. Minutes March 11, 2014
 - B. Gianakis makes a motion to accept the meeting minutes as presented. Day seconds the motion. There is no more discussion. 5 members approve. Brodeur and Pearson abstain.**
- VI. Old Business
- VII. New Business
 - A. Gianakis' daughter is involved in the 4H club. They will be doing soil testing. Gianakis asks does the Conservation Commission have one for them to use? DiNardo says she has one and she is happy to work with them.
 - B. New Business: Dept of Agriculture has passed new regulations that affect anyone in the city that uses fertilizer with phosphorus. If a soil test is done by a professional and states that phosphorous is needed then it is OK. Another exemption is that you can use it for one season only if you have bare land whereby you are trying to grow grass says Freda. She requests that the Commission do some kind of outreach to let the community know.
 - C. New Business: Open Space Plan – Leominster. This has been sent out to the board by Joanne. Freda has a question about the article in the Sentinel said it was sent to the state. DiNardo says changes can be made. Freda requests the following edits please:
 - 1. Pg. 30 Bartelett Pond site. Replace Metropolitan District Commission with DCR.
 - 2. Pg 42 #3 Metropolitan District Commission with DCR.

3. Pg 61 discussion item Goal 4, objective 4 D, explore the creation of a mountain bike park using lands from Leominster State Forest, Leominster Watershed Land, and other protected space. Freda has an issue with watershed lands being used for a mountain bike park. She personally is against this. Gianakis inquires is it possible to pull it away from the lands and create the mountain bike park there? Freda offers that she has documentation with work done on public access land for the city of Baltimore if the Commission would like to see it. Past experience has shown the mountain biking and watershed lands do not work well with each other. Watershed land should be protected. Mountain bikes cause erosion.

- VIII. Certificates of Compliance, there are none at this time.
- IX. Extension Permit, there are none at this time.
- X. Emergency Certifications, there are none at this time.
- XI. Agent's Report, there is none at this time.
- XII. Sign Papers
- XIII. Chairman's Report
 - A. Massachusetts State Envirothon will be held on May 15th at Sholan Farms, Leominster, MA. They are looking for volunteers. DiNardo's co-partners at UMASS said they will help.
- XIV. Next Meeting April 8, 2014
- XV. Adjournment. 8:20 pm meeting was adjourned.

Respectfully submitted:

Sandy Pellechia, 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*

~end~