



**Kelley Freda**  
Chairperson

**CONSERVATION COMMISSION**  
*City of Leominster, Massachusetts*

CITY HALL - 25 WEST STREET  
LEOMINSTER, MASSACHUSETTS 01453  
[www.leominster-ma.gov](http://www.leominster-ma.gov)

**Joanne M DiNardo**  
Conservation Agent  
[conservation@leominster-ma.gov](mailto:conservation@leominster-ma.gov)

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

**Leominster Conservation Commission**  
**PUBLIC MEETING LEOMINSTER**  
25 West St, Room 10  
April 8, 2014, 7PM  
Meeting Minutes

**In attendance:**

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

- I. Kelley Freda (Freda) opens the meeting at 7:01pm.
- II. Hearings
  - a. 7:00PM: A public meeting was opened on a Request for Determination by Mossy Oak Realty for demolition of a single family home and construction of a new duplex condo building with associated site improvements. A portion of the site is located in the 200 foot outer riparian zone of an unnamed perennial stream. All work is proposed within the previously disturbed area of the site. Assessors Maps 335, Parcel 19. 20 Tisdale Ave.
  - b. Ken Cloutier (Cloutier Contractors) and Steve Arsenault represented the applicant, Mossy Hollow Realty Trust. They wish to take down the structure and put up a new duplex condo. They wish to upgrade the property. A letter and plan were distributed to the commissioners.
  - c. Joanne DiNardo (DiNardo) has already visited the property. The plans were also previously submitted to the Commissioners by DiNardo.
  - d. Freda reads a letter from McCarty Engineering, Inc. dated March 27, 2014 for the record:

*As discussed in our recent emails we have been hired by Mossy Oak Realty Trust and Cloutier Contracting to prepare a Sewer & Water Clearance Plan/Site Plan for a proposed duplex condominium to be constructed at 20 Tisdale Avenue in Leominster, MA.*

*Currently there is a single family house, shed, driveway and lawn area on the site. A portion of the site is located in the 200-ft outer riparian zone of an unnamed perennial stream. The plan calls for the demolition of the house and shed and construction of a new two-unit duplex condominium on the site. The proposed building will front on Tisdale Avenue as shown on the attached plan. The water, electric, and gas utilities will be provided from the existing City of Leominster infrastructure in Tisdale Avenue. The sanitary sewer will be provided from the existing City of Leominster sewer main in Bascom Street. Minor site grading is required to accommodate the new structure.*

*Approximately 142 SF of the proposed structure will be located in the riparian zone. Approximately ½ of the existing house is located in the riparian zone. The proposed plan will significantly reduce the impervious area within the riparian zone. All work is proposed within the previously disturbed area of the site.*

*The proposed hay bale/silt fence line, which will serve as the limit of the work, is shown on the plan.*

*We respectfully request that the Commission issue a Negative Determination for this Project.*

- e. Freda does not have any questions on this project and asks if the other commissioners do.
- f. Julia McKinney (McKinney) asks what are Cloutier and Arsenault doing with where the existing shed was before. Cloutier and Arsenault offer that they will take down the shed and will put in looming seed.
- g. Freda asks for anyone else who wishes to speak on behalf of this project. After a third request for discussion there is no further discussion.
- h. Freda asks DiNardo for her recommendations. They are:

*The existing dwelling was build around 1950 and is located on a flat, stable lot. The existing dwelling occupies 840 square feet and 50% is located outside the 200 foot riparian zone and well outside of the 100 foot bufferzone of Wass Meadow. The new home is further away from the riparian zone and only 142 square feet will be in the 200 foot riparian zone. This lot is separated from Wass Meadow and the stream by a paved road and two houses on Bascom Street.*

*Ms DiNardo recommended a negative three determination with the following conditions:*

**Other Applicable Permits:** *A building permit is required. Sewer and water permits.*

- 1. *Erosion Controls must be approved by the Conservation Agent (48 hour written or email notice.*
  - 2. *24 Hour notice prior to start of the work*
  - 3. *Any changes in plan must be submitted to the Commission*
  - 4. *No stockpiling within 50 feet of resource area*
  - 5. *All stockpiles must be covered*
  - 6. *An as built plan must be submitted at the completion*
- i. Freda asks for comments. There are none. Freda asks if there are any objections to closing the public hearing; there are none. Freda closes the public hearing and then asks for a motion.
  - j. Scott Pearson (Pearson) makes a motion that the Commission issue a Negative Three Determination for the project at 20 Tisdale Ave. with Joanne's stipulations. The motion is seconded by Brodeur. Freda asks for discussion. The vote is unanimously approved by the Commission. None opposed.

III. Continued Hearings - None

IV. Regular Meeting

a. Call to Order

- i. Enforcement, there are no updates at this time.
  - 1. 554 Willard
  - 2. 22 Jytek Rd
  - 3. 24 Jytek Dr
  - 4. 30 Theresa Drive

b. Communications

- a. Fitchburg received a request for determination for the state of Massachusetts. They are going to be paving up on Rt. 2 westbound. DiNardo requested more information from the state of Massachusetts. She asked if any of this paving will be done from Mt. Elam into Leominster. She asked because it should have been filed in Leominster if that is the case. To-date nothing has been filed in Leominster. DiNardo is waiting for further communication. She will keep the Commission posted.
  
- c. Minutes
  - i. Minutes March 25, 2014.
  - ii. Freda makes one request that on page 2 of 5, number 7, that the scribe be sure to record that in the prior meeting she made mention that Mr. Piermarini was a former long-time Chairman of the Commission.
  - iii. Pearson makes a motion to accept the minutes of March 25, 2014 with the changes requested by Freda. Brodeur seconds the motion. The vote is unanimously approved by the Commission.
  
- d. Old Business
  
- e. New Business
  - i. **New Business #1:** Stormwater Ordinance and Annual Stormwater Report. DiNardo is working on this right now. She sent the Commission documentation today for their review. DiNardo sent a copy of this to many contractors to solicit their input. DiNardo is requesting comments from the Commission within 30 days please.
  - ii. **New Business #2:** Brodeur asks what's going on by the old Industrial Hardware on Lancaster Street? The lot has been cleared from the trench to the side street. Freda offers that we have visited this site several times. She offers that this is not under our jurisdiction. If there was impact to the wetlands on Johnson Street then it would fall under our jurisdiction. Gregory Day (Day) offers that it is worthwhile to go to the location and take a look to see if there is sand in the wetland. DiNardo will go to the site to take a look and see if there is sand in the wetland. Freda lets DiNardo know that if she needs a Commissioner to go with her, to please ask and they will. Freda asks the Commission not to act out of turn and reminds them that they must only do what is within their jurisdiction.
  
- f. Certificate of Compliance, there are none at this time.
  
- g. Extension Permit, there are none at this time.
  
- h. Emergency Certifications
  - a. One was issued because the DPW found a collapsed culvert that comes from Orchard Street across West St. down Pond St. Untreated stormwater is going right into the pond. DiNardo issued an emergency permit to fix the situation right away.
  - b. Freda asks for any questions on the situation. There are none.
  - c. Freda asks for a motion to ratify the order of commissions for the DPW. The motion is made by Brodeur to ratify the order of commissions for the DPW. The motion is seconded by Pearson. Freda asks for any discussion. There is none. The motion is unanimously approved by the Commission.
  
- i. Agent's Report, there is nothing at this time.

- j. Sign Papers
- k. Chairman's Report
  - a. Freda saw piles of sand down by the registry on Erdman Way. She comments that she is not sure that it is within 200 feet of the Nashua. She asks DiNardo to look into this and find out what's going on. There is speculation and discussion.
  - b. Tonight is Eric Dubrule's last night as a Commission member. Freda took the opportunity to thank him for his engineering expertise and all of his help. The Commission wished him luck.
- l. Adjournment at 7:24 pm.

Respectfully submitted,

Sandy Pellecchia, Conservation Scribe