



Kelley Freda
Chairperson

CONSERVATION COMMISSION
City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
May 13, 2014, 7PM
Meeting Minutes

In attendance:

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

I. Hearings - None

II. Continued Hearings - None

III. Regular Meeting

1. Call to Order, Scott Pearson – Vice Chair calls the meeting to order at 7pm.
 - a. Pearson asks the Commission if anyone objects him moving the Samoset Lake Association Annual Report to the top of the agenda. There are no objections.
2. New Business
 - a. Samoset Lake Association Annual Report
 - i. Pete Lanza is here from the Samoset Lake Association. He offers a review of what has happened in the past year (this includes dam inspection, maintenance, workshops attended, treatments planned, etc.).
 - ii. Pete asks for questions. Joanne DiNardo asks when would you be doing the treatment? End of June is the answer.
 - iii. DiNardo asks will the Samoset Lake Association be doing a Notice of Intent? The answer is by means of the one they have now. (DEP 199-414, 199-818)
 - iv. DiNardo asks if they have a valid order of conditions? Pete says yes, he believes he does and / or they will be contacting the Conservation Commission.
 - v. Larry Gianakis, Jr. would like to make sure the Applicator has the necessary paperwork filed.
 - vi. Pearson asks if there are any other plans for this year. Maintenance is ongoing and anything from past reports has been cleaned up says Pete. Depending on where they stand financially they would like to clean out the sand when they draw down in the winter. (7:15)
 - vii. Pete says last year they ran into an almost \$50,000 problem. Last Spring they saw Dig Safe written on the road. A local resident had a septic failure. Dig Safe had to cross the road and cross their property. The contractor who managed the septic failure tried to help but actually hurt more. Less than a year later Pete says there is constant washout. The estimate to fix the basin at Olive Drive is over \$1000 (and in a year it will be back the same way again). The surface they used was unacceptable to use on the slope. The catchment was repaired but the entire system is covered with large rip/rap. It will be very hard to

clean it out. It will cost another \$1,100 to clean this out. Mr Lanza commented that they did add a catchment at the bottom of Grove and Pine Road and it is very easy to maintain. Gianakis asks is this a direct result of what was done? Pete says yes.

- viii. Mr Lanza stated he does not know who to go to anymore. Gianakis says to go back to the property owner(s). He expressed concern that throughout the city the wrong material is being used and it is causing erosion downstream. The surface was approved by someone in the City. Mr Gianakis stated that if the resource area was altered then someone is responsible. Mr Lanza reported this to the City Council but at this point he does not know who to turn to in order to get the practice corrected and to eliminate the use of regrinds and pea stone. (7:21) The streets are all private. Mr Gianakis stated that the Commission does not usually get involved with surfacing or use of material. Mr Lanza wants the practice corrected in the future. Mr Lanza stated he does not know who authorized the use of that material. If the Lake Association had known they would have made suggestions on what type of material should be used. If the road was flat this may have been acceptable. Mr Lanza stated that the same problem exists in Grove Road. Julia McKinney says take pictures on this very rainy Saturday. There is discussion by the Commission on how to draft the letter to send to the property owners. Judy Peters explained the differences throughout the roadway system. Some are paved and some are not. (7:30) Ms DiNardo stated that the conditions on the RDA did require a 48 hour notice, inspection of erosion controls, notification to Samoset Association and as built upon completion. If the instruction were followed then the Association would have been notified. Because this was a failed septic it would be done under Emergency Cert or the RDA process and it would not go through the NOI process. In the future we can require written notification to the association.
- ix. Gianakis says the property owner is responsible for altering a resource. He says perhaps we can write them a letter? They did not leave it better than they found it.
- x. DiNardo says now that Pete has brought this to the attention of the Conservation Commission they can look into it. They can look into regulations. They can send a letter to the property owners. DiNardo also meets with the DPW regularly and she can advise them that the regrinds and pea stone are not good.
- xi. Pearson asks if anyone on the Commission would have a concern with sending a letter to the property owner and at the same time send DiNardo to the site to take a look at it. Daniel Brodeur makes the point that the property owners did come in front of City departments to get approval and they did what they were told they could do. Pearson suggests that DiNardo look into when the property owners came before the City departments, what was said, and also take a look at the site in person. Once she does that she can report back to the Conservation Commission at its next meeting. If anyone is outside of compliance and a letter needs to be sent then the Conservation Commission will do that. Mr Lanza said he is not looking to lay undue burden on the home owner.
- xii. Pearson asks when the dam report is available from their engineers, can they please forward a copy to DiNardo. Pete agreed they will.
- xiii. Pete thanks the Commission for their support. (7:44)

3. Enforcement

- a. 54 Willard and 22 Jytek Dr, Whitman & Bingham is working with homeowner on soil testing
- b. 24 Jytek Rd, Mr McCarty has submitted the preliminary plan. They will be filing an NOI for a building of 20,000 square feet and associated parking lot improvements.
- c. 30 Theresa Drive, DiNardo has taken pictures. They have started work and have not been back to the Commission. No additional changes have taken place and the homeowner is willing to meet with the Commission. 7:50

4. Communications

- a. City Council – Recommendation for C-71 – Stormwater Ordinance – A hearing is set for Monday May 19.
- b. The Stormwater Ordinance would give the City a lot more control over the sites they may not have control over, it is required by the EPA, anything greater than 5000 sq. ft. requires stormwater

- management. Some of these projects are unregulated and this ordinance would help to manage the sites and control stormwater runoff. 7:53
- c. DiNardo is looking for a motion from the Conservation Commission to the City Council to approve the Stormwater Ordinance in its current form. The Commission is the Stormwater Authority but the only time they will see a permit request is if they cannot meet the reviewing agent's requirements. Mr Gianakis supported this and commented that this will complement the Wetlands Protection Act and that the Commission should look into implementing a Wetland Bylaw. Ms DiNardo stated that this ordinance should have been in place several years ago. It is required by the EPA. Ms DiNardo stated that the lots she is called to are the smaller lots. Mr Brodeur motioned to support the ordinance and McKinney seconds the motion. There are none opposed. The motion is unanimously passed by the Commission. 7:36
5. Minutes
 - a. Minutes April 8, 2014, Brodeur makes a motion to approve the meeting minutes of April 8, 2014 as presented. McKinney seconds the motion. There are none opposed. Gianakis abstains. The motion is unanimously passed by the Commission.
 - b. Minutes April 22, 2014 Brodeur makes a motion to approve the meeting minutes of April 22, 2014 as presented. Pearson seconds the motion. There are none opposed. Gianakis and McKinney abstain. The motion is unanimously passed by the Commission.
 6. Old Business 8:02
 - a. Brodeur asks DiNardo to take a look at Merriam Ave. She says she will do that.
 7. Certificate of Compliance, there are none at this time.
 8. Extension Permit, there are none at this time.
 9. Emergency Certifications, there are none at this time.
 10. Agent's Report, there is not one at this time.
 11. Sign Papers
 - a. Request for Determination by Crossroads Office Park LLC
 12. Chairman's Report, there is not one at this time.
 13. NEW BUSINESS: 8:03 Ms DiNardo presented a plan for changes from Mr O'Brien for the Doyle Accessible Trail, which asks for permission to drain the standing water. While putting in the walkway and bridge they disturbed an underground drain system and the water is bubbling up and out. Mr O'Brien would like to address the water situation while he is working on the Universal Trail. He is asking the Commission if this needs an amended order or if it can be done as a minor change on the existing plan. Gianakis says he supports them proceeding as planned as he has been on site and has been monitoring the site. DiNardo's recommendation is to stay with the existing RDA and have them fix it and include the changes on the As-Built Plan. Pearson asks for a motion to extend the 8" drain from the pond on the original RDA for the Doyle Accessible Trail. Gianakis makes a motion to extend the 8" drain from the pond on the original RDA. McKinney seconds the motion. There are none opposed. The Commission unanimously passes the motion.
 14. Next meeting is May 27, 2014.
 15. Adjournment – the meeting is adjourned at 8:08pm.

Respectfully submitted,

Sandy Pellecchia, Conservation Scribe