



Kelley Freda
Chairperson

CONSERVATION COMMISSION
City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
June 24, 2014, 7PM
Meeting Minutes

In attendance:

<u>Present</u>	<u>Absent</u>	<u>Staff Present</u>
Daniel Brodeur		DiNardo DiNardo – Conservation Agent
Kelley Freda (Chairperson)		Sandy Pellechia - Scribe
Larry Gianakis		
Julia McKinney		
Scott Pearson (Vice Chairperson)		

I. Hearings

- A. At 7:00pm Chairperson Kelly Freda calls the meeting to order.
- B. 7:00PM A public hearing was opened on a Notice of Intent by EasyPak for construction of a 20,800 square foot warehouse addition, a 3,150 square foot office addition and associated site improvements at the existing industrial facility at 24 Jytek Drive. A portion of the work is in the 100-foot buffer of bordering vegetated wetland. Address 24 Jytek, Assessors Map 499, Lot 47. DEP 199-1000.
 - a. Patrick McCarty of McCarty Engineering represents the project for a company called EasyPak. Also present is David Boudreau, Facility Manager. The client wishes to put on a 20,800 square foot warehouse addition and a 3,150 square foot office addition. Mr McCarty stated that site work did take place which resulted in the Commission issuing an enforcement order. The construction manager was not familiar with the regulations.
 - b. EcoTec of Worcester delineated the two wetlands which are noted on the engineering plans. There will be no additional disturbances until the order is approved. Mr McCarty reviewed the rest of the plan in detail.
 - c. They have gone in front of the Planning Board for approval. A few comments were made by DPW and McCarty Engineering made adjustments and submitted new engineering plans. The Planning Board did grant final approval once revised plans were submitted with changes and with a handicap symbol in the handicap parking spaces. There is also a temporary loading dock that will be used during the site construction. The temporary loading dock will tie up employee parking. There will be 36 employee parking spaces. They own the property next door so they will have a way to lessen the truck traffic through the employee parking. The trucks can drive around the building. The project has been submitted to DEP and no comments were received.
 - d. Freda asks if any commission members have any questions about the project.
 - e. Larry Gianakis commented that that over time berms get worn out from plowing. Mr McCarty explained that they are proposing a newer style cape-cod berm instead of the old A type berm. The cape-cod berm is more durable.
 - f. Mr Gianakis would like to see an on-going condition to maintain the berm, and an on-going condition that snow storage is kept out of the resource area.
 - g. An EPA general permit is necessary. McCarty has requested an ENOI for EasyPak. They are awaiting these documents.
 - h. Freda states that she prefers not to see hay bales and prefers straw wattles. And she asks are there any plans for maintenance for water quality. McCarty answers yes.
 - i. Freda asks three times is there anyone in the audience wishing to speak on this.
 - j. DiNardo thanks McCarty and EasyPak for working with the Commission and for following the process and congratulates them on their growth.
 - i. Send a copy 1 time a year with their report
 - ii. Erosion controls
 - iii. 48-hr notice for review before work gets started
 - iv. No stockpile in resource area
 - v. Stockpile covered

- vi. As built
- vii. Submitted to the conservation commission
- viii. 6-inch berm
- ix. Snow storage at the back of the lot
- x. Mass Storm Water management
- xi. Planning and Building department
- xii. Standard order of commissions

b. Freda reads a letter of support for EasyPak by Lisa Marrone Economic Development:

Please accept my letter of support to the Leominster Conservation Commission for the Easy Pak project at 24 Jytek Drive.

The company currently employs 70 people from the surrounding area and is very important to the economy of Leominster. They are expanding and creating more full-time permanent jobs for our local workforce. I'm sure you have seen their products and a high probability that you have held one in your hand. Easy Pak is a manufacturer of food packaging and specialty containers for salads, herbs, deli products, fresh produce, egg cartons, bakery containers, and much more.

The City of Leominster is very fortunate to have Easy Pak as part of our business community and I strongly support their expansion project.

Lisa Marrone

Economic Development Coordinator Office of Planning and Development City of Leominster.

- c. Freda asks are there any objections to closing the public hearing.
- d. Gianakis makes a motion for a standard order of conditions (with the boilerplate, and also use waddles) for EasyPak for construction of a 20,800 square foot warehouse addition, a 3,150 square foot office addition and associated site improvements at the existing industrial facility at 24 Jytek Drive. The motion is seconded by Scott Pearson. There are no Commission members opposed. The motion is approved by the Commission.
- e. The public hearing is closed at 7:20 p.m.**

C. 7:05 PM Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing on a Notice of Intent by Matthew Olson, Matana Co, for construction of a single family home with attached garage, driveway and utility connections. A portion of the work is in the 100-foot buffer of bordering vegetated wetland. Address Lot 1 Lowe St, Assessors Map 488, Lot 3A. DEP 199-0999

- a. Matthew Olson, Matana Company represents the project.
- b. Matthew states that there is very little wetland on the property. There is one on the westerly side of the boundary. The work will occur within the 100-foot buffer zone of that wetland.
- c. The proposed construction is a single family house with garage and driveway.
- d. There is not a lot of filling involved. And there is only paving of the driveway that takes place in the 50-foot buffer zone.
- e. Freda asks are there any Commission members who have questions on this project.
- f. Gianakis states that the numbers of the flags on-site do not match up with the engineered plans. Olson says they were placed in that order. Gianakis asks were soil samples taken. Olson says no. Olson says he would be in the abutter's property if he had to perform soil testing. Gianakis says soil and vegetation must be taken. Olson says it is difficult to do that on this property.
- g. Freda has a question. She has the same concern as Gianakis. Also she asks will there be roof drains around the house. Freda notes all the flow is going right to the wetland. She asks about potential flooding... were any calculations done? Olson says no. The construction is meant to maximize the distance from the wetland. Also the driveway follows the existing contours there now. There is not a lot of disturbance now.
- h. Freda asks again do any of the Commissioners have questions.
- i. Gianakis asks Olson to explore the option to keep more vegetation and to keep the project away from the resource area by changing the orientation of the garage. Olson says he is sure the developer would have no problem with that.
- j. Pearson makes the comment that he supports Gianakis and Freda that no soil and vegetation samples have been taken. Olson says these can be provided if necessary.
- k. Freda asks three times if the audience has any comments on this project.

- l. Resident Wayne A. of 64 Pleasant Terrace. Asks do you have any plans to do any blasting. Olson says there are no blasting plans.
 - m. Wayne then asks when do you plan to begin. Olson says the property is under a purchase option and that would have to happen first.
 - n. Councilor Robert Salvatelli of 11 Woodside Ave. states that his concern is the drainage issues. The land does not stay wet all year. Ducks come in once or twice a year. There is a lot of insect activity during the wet period. He started getting water in the cellar. One neighbor's septic failed. Another neighbor gets water in their field.
 - o. Neighbor Helen Payson of 37 Woodside Ave. adds that there is a lot of ledge in the area. Blasting may have to be done.
 - p. Olson says he's only looking to excavate a couple of feet. And his intent is to mimic an existing knoll. He wants to make it work properly.
 - q. Resident John B. of 365 Pleasant St. is concerned about the water run-off for the whole area. The grading of a neighbor's land changed which made a huge difference with the amount of water in his back yard. He says the area is sensitive and he is looking for a concern for the whole neighborhood.
 - r. Resident Paul R. of 54 Lowell Street is concerned about the blacktop and the water run-off. He asks how close is the driveway to the stone wall. He later asks can there be protection for the neighbors drafted in writing. If something impacts him in a negative way with no recourse it is kind of unfair.
 - s. Olson says the project mimics the existing drainage there now. Olson asks two questions of the Commission. Are the issues over the run off of the driveway? Does it make sense to construct more into the buffer zone?
 - t. Freda says he is removing vegetation and adding impervious surface. She asks can he put in rain gardens.
 - u. Gianakis speaks to the infiltration and the close proximity to the wetlands, he asks, could it hold water. He states that anything would help the situation but he would like to see something that helps.
 - v. Olson would shift the driveway so that the runoff infiltrates there and there is an area of 30 to 35 feet to work something in there to help.
 - w. Freda asks do we know the depth of the ground water here. Olson says no.
 - x. Freda has a question for Commission member Dan Brodeur. Could he do the calculations of what is going to be coming off that site.
- D.** Resident Dorothy R. of 54 Lowell Street states that the area is full of wildlife and when she came there she had dry fields. Now with the development she has a pond and water in her cellar. She thinks further construction will cause a negative effect to both.
- E.** Freda asks if anyone from the audience wishes to speak further.
- F.** Freda asks for DiNardo's recommendations:
- a. MA building codes: cannot change building codes (this is not considered for design work under this point)
 - b. She recommends a third party review for a ,b and c
 - c. She has 3 engineering firms that could review this.
 - d. Gianakis is in favor of a third party unbiased review.
- G.** Julia McKinney asks where are we now:
- a. Require 3rd party review
 - b. Verify wetland line
 - c. Evaluate the soils
 - d. Accept the recommendation that comes from 3rd party review.
- H.** Pearson would like to see a 3rd party review and re-engineered plans to pull the driveway back.
- I.** Brodeur agrees.
- J.** Freda says the Commission can ask for a continuance until the next meeting (July 8, 2014). Whether or not the 3rd party review can be done before then is unknown. Freda tells Olson he can even request a continuance at that next meeting if he must.
- K.** Freda says we will continue until July 8th and if Olson has no information at that time please let DiNardo know.
- L.** The public hearing is left open.
- M.** Makes a motion to continue the Notice of Intent by Matthew Olson, Matana Co, for construction of a single family home with attached garage, driveway and utility connections to the July 8th meeting pending a 3rd party review and site walk. Second by McKinney. There are no Commission members opposed at this time.
- N. Regular Meeting (8:10 p.m.)**
- 1. Enforcement
 - a. 554 Willard/22 Jytek, no updates at this time.
 - b. 24 Jytek Dr – NOI expected for June
 - c. 30 Theresa Drive – LWTC John Kelly, Mr. Kelly has not called DiNardo back. She will try again.
 - 2. Communications, there are none at this time.
 - 3. Minutes
 - a. Minutes May 13, 2014 – Pearson files a motion to accept the minutes as presented. McKinney seconds the motion. Freda and Gianakis abstain. The May 13, 2014 minutes are approved as presented by the Commission.

- b. Minutes May 27, 2014 - Pearson files a motion to accept the minutes as presented. McKinney seconds the motion. Gianakis abstains. The May 27, 2014 minutes are approved as presented by the Commission.
4. Old Business, there is none at this time.
5. New Business
 - a. David Erickson 202 Hill Street. He has been maintaining the conservation land. He is going to graze land on his own property. He would like the Conservation Commission's permission to graze two sheep on the conservation land rotationally. The Conservation commission has to vote this and the mayor has to sign for it.
 - i. Gianakis would like to see signage about the electric fence. This will be done.
 - ii. Pearson and McKinney approve.
 - iii. McKinney makes a motion to allow the grazing of 2 sheep on conservation property pending the Mayor's signature. Pearson seconded the motion. The entire Commission approves.
 - b. Stearns Ave Work in Buffer – Mr. Lee is the owner. This is on the Washington Street end of Sterns Ave. Mr. Lee would like to bring in wood chips and gravel because his yard is flooded. DiNardo would like to know what the Commission would like to do with his. Freda says if he is doing work within the buffer zone he should be seeking a determination. He needs to come in with plans (even if it is hand-drawn).
 - c. Budget - \$2500.00 Vote to transfer WP. There is a memo dated June 24 about the transfer of fees for storm water education program and a new camera.
 - d. Goat Power – on conservation land on Granite Street. There was a site walk done in November. It would have cost total \$519.00 (Payment -An initial payment of \$259.50 will be required before the delivery of the goats to the property in the spring. The balance of \$259.50 is to be paid at the time *GOAT POWER* removes goats from the property). DiNardo would like to know if the Commission is interested.
 - i. Freda asks how many goats. DiNardo says 6.
 - ii. Freda asks any wetlands near there.
 - iii. Freda asks do they have a plan to clean the manure. She would not want to contaminate the area.
 - iv. Freda believes there are people who would do this for free.
 - v. McKinney asks how long does it take. 6 days.
 - vi. Gianakis says the DPW does a fantastic job on this.
 - vii. Brodeur likes the idea. He would like to see if someone would offer their animals for free.
 - e. Monoosnoc Brook – There were comments from the Mayor that the brook was growing in with weeds. There was a notice of intent that covered weeds to be removed. So that will be done.
 - f. Liberty Commons - work in the 100 foot buffer. DiNardo has to go and visit. On Mill Street. They dug up and cleared out the Japanese knot weed.
 - i. Freda asks for erosion controls at the bottom of the report please.
 - g. There is a bunch of bulldozing being done in the right of way on Independence Drive. Freda says check the property and call DEP.
6. Certificate of Compliance, there are none at this time.
7. Extension Permit, there are none at this time.
8. Emergency Certifications, there are none at this time.
9. Agent's Report, there are none at this time.
10. Sign Papers
 - a. 24 Jytek
 - b. Lowe St
11. Chairman's Report
12. Next Meeting July 8, 2014.
13. Adjournment at 8:35 p.m.

Respectfully submitted,

*Sandy Pellecchia
Conservation Scribe*