



Kelley Freda
Chairperson

CONSERVATION COMMISSION
City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
August 12, 2014, 7PM
Meeting Minutes

In attendance:

Kelley Freda - Chairperson	Conservation Agent / Environmental Inspector - Joanne M DiNardo – absent
Daniel Brodeur	
Larry Gianakis	
Julia McKinney	
Scott Pearson	

I. Hearings

- A. 7:00PM** Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing to consider a Request for Determination by the City of Leominster, for site improvements which will facilitate the pump station upgrades. The work includes the installation of a concrete pad and digging a trench to connect utilities. This work will take place within the 100-foot buffer of bordering vegetated wetlands. Assessors Map 564, Parcel 73. Day St.
1. No representative was present. Scott Pearson makes a motion to keep this public hearing open until the Conservation Commission's September 23, 2014 meeting. Julia McKinney seconds the motion. It is unanimously approved by the Commission.

II. Continued Hearings

- A.** A continued public hearing was opened on a Notice of Intent by Traditional Concepts, Inc of a single family home and associated site work in the 100-foot wetland buffer. Address 63 Keeneland Circle Lot 48; Assessors Map 398, Lot 1-29. DEP 199-1001
Brian Carlson from Traditional Concepts represented the project. The project was continued due to unanswered questions and the need for a site walk. The site walks were conducted by the individual commission members.

There is an outstanding question from the prior meeting. What permits exist on the roadways up in that area? Are permits still in effect? Kelley Freda clarifies the answer is yes.

Freda asks if any commission members have questions. Mr Gianakis commented that the limit of clearing goes to within one foot of the wetlands. He expressed concern for the long term boundary for the wetlands. There is no actual buffer between the limit of clearing and the wetlands.

Ms Freda read Ms DiNardo's recommendations:

The entire project is within the buffer zone and will alter 6,100 square feet of bufferzone. The disturbance area is within 6 feet of the bordering vegetated wetland and the house and driveway are within 15 feet of the wetland. The rear of the property contains wetlands. The property slope is gradual with the front of the lot at 502 and the back at 508. The rear of the property abuts conservation land. I recommend a standard order of conditions with the boiler plate and the following added conditions:

1. *Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)*
2. *24 Hour notice prior to start of work*
3. *No stockpiling within 50 feet of resource area*
4. *All stockpiles must be covered*
5. *A permanent spilt rail fence or chain link fence must be installed along the wetland boundary. The fence must be maintained in perpetuity.*
6. *Wetland do not disturb wetland boundary markers along the wetlands (every 20 feet)*

7. *Conservation Signs must be posted at the back of the property boundary*
8. *As Built Upon Construction Completion*

- Gianakis asks would it be possible to pull this project 10 feet away from the Wetland? Carlson says yes this is possible. Mr Carlson stated that the fence could be placed 3 feet in and this would be sufficient. Ms DiNardo also asked that the flagging be re-done. The do not disturb wetland signs will be mounted on the split rail fence.
- Gianakis says there is no buffer between the lawn and the wetland; therefore, there should be a condition of no fertilizer so there is no altering of the resource. Ms Freda stated that there is no way to control the use of fertilizer but the new State ban on phosphorous will be in place. Carlson says we can arrange for a fence within 5 feet of the wetland boundary.
- Mr Gianakis asked that an additional condition of no further clearing can take place.
- Daniel Brodeur asks if the fence will go the whole width of the property. The answer is yes.
- Freda three times is there anyone in the audience who wishes to speak on this notice of intent? No one comes forward.
- Freda asks do any of the Commission members have any further questions.
- Freda asks if there are any objections to closing this public hearing. There are none. She declares the public hearing closed.
- Gianakis makes a motion for a standard order of conditions to include DiNardo's conditions and that the fence be located 5 feet from the wetland lines and that no alterations beyond the fence

7:11

B. A continued public meeting on a Notice of Intent by Arenhall Corporation, was opened for construction of a self-storage facility with associated driveways, grading and utilities located on Central Street. A portion of the proposed self-storage facility is located in the 100-foot wetland buffer zone and the 200-foot riverfront area. Assessors Map 483, Parcel 17. Central Street DEP 199-1002

Mark Piermarini, Whitman & Bingham represented the project. Piermarini explained the changes that he has made since the last meeting. He added haybales and erosion controls. Freda asks about the snow storage area. Piermarini shows the area on the drawing. Freda asks if any Commission members have any questions.

Gianakis also asks about the snow storage area. Piermarini shows on the drawing where there will be a fence. Julia McKinney asks if the lot is big enough to accommodate 5 buildings? The answer is that everything is being done to code. McKinney asks about removal of current vegetation. The answer is that there will not be a need for removal of that much current vegetation. Brodeur asks what kind of foundation is proposed. The answer is slab. Ms Freda read DiNardo's recommendations:

The proposed addition and site improvements are located in the bufferzone of the bordering vegetated wetland. I recommend a standard order of conditions with the boiler plate and the following added conditions:

1. *Erosion Controls must be approved by Conservation Agent (48 hour written or email notice)*
2. *Preconstruction Meeting*
3. *24 Hour notice prior to start of work*
4. *No stockpiling within 50 feet of resource area*
5. *All stockpiles must be covered*
6. *Snow Storage Removal Plan must be submitted and implemented or any snow piles greater than 6-8 feet high and for any storm greater than 72 hours, and will remain in perpetuity*
7. *As Built Upon Construction Completion*
8. *Any further proposed changes must be submitted to the Conservation Commission*
9. *Placement of the do not disturb signs along the back of the property adjacent to the Wetlands*
10. *Stormwater Management Plan remains in perpetuity*

Freda asks three times is there anyone in the audience who wishes to speak on this notice of intent? No one comes forward. Freda asks do any of the Commission members have any further questions. Freda asks if there are any objections to closing this public hearing. There are none. She declares the public hearing closed.

Gianakis makes a motion for a standard order of conditions to include DiNardo's conditions for the Notice of Intent by Arenhall Corporation, for construction of a self-storage facility with associated driveways, grading and utilities located on Central Street.

- C. A continued 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

Mark Popham RS, Environmental Consultant and Tom Iacoboni, property owner represented the project. There have been no changes to the plan since the last meeting.

The Conservation Commission asked for a 3rd party independent review to be completed. The independent 3rd party who did the work was Oxbow Associates Inc. Their report is dated July 28, 2014 and was read into record by Freda. (See attached report)

Freda asks Popham to address the deficiencies. The USGS map was provided. Poplin thought it made sense to use a Leominster map to show the more accurate information. Freda asks about the field data form. No Commission members have a problem with it; there is documentation that the Wetland line is OK.

Freda asks if any Commission members have any questions.

Brodeur did a rudimentary analysis of this project. He stated he is not a PE in Mass but he found that building this house with this amount of impervious surface would not affect the Wetland or the increase the water level.

Pearson confirms that the USGS Locus map is sufficient. The answer is yes.

Freda three times is there anyone in the audience who wishes to speak on this notice of intent?

Resident John Bulger, 365 Pleasant Street voiced his concerns. He commented that his back yard has been flooded due to poor quality work in the past. In case something goes wrong, those people are protected. He asks for a safeguard to be put in for those that this project may affect. Many changes to the neighborhood have changed the water table. Resident Dorothy Rouleau, also voices her concerns about wildlife habitat and if the wildlife would be disturbed. Mr Gianakis stated that this project is 25 feet away and will not disturb or impact the wetland. Dorothy Rouleau stated that the City put a drainage culvert into her property and is flowing into her yard, basement, and on to the Pleasant St property. She expressed concern that this will allow more water to flow onto her property. She did ask the City to pipe the water so it would not continue to flood her property and she was told that it would be cost prohibited. She stated she depends on the Conservation Commission to make the right decisions.

Gianakis talks about the ground water table. He says that this needs to be surveyed in the field. He recaps that the 3rd party independent review addressed this concern. The height of the foundation is to be at the current level.

Freda asks do any of the Commission members have any further questions.

Freda asks if there are any objections to closing this public hearing. There are none. She declares the public hearing closed. Ms Freda stated that the Commission did due diligence by obtaining the third party review. She is confident that this project is not going to impact the neighborhood drainage.

Gianakis makes a motion for a standard order of conditions with boiler plate with a condition that the elevation for the foundation be field verified at an elevation of 520 or greater and that a Commission member or its Agent meet with Matana Co. prior to pouring the foundation. Pearson seconds the motion. The motion is unanimously approved by the Commission.

III. Regular Meeting

1. Enforcement
 - a. 554 Willard/22 Jytek – Whitman and Bingham – Need Soil Test. There is no update nor is there confirmation of the soil testing.
 - b. 30 Theresa Drive – John Kelly – Will call when ready to make changes. There has been no communication back from the property owner. Freda asks for follow-up from Gianakis to take a look at the status of the project.
2. Communications,
 - a. Conservation Commission to appear before the City Council on August 25 @6:45PM.
3. Minutes
 - a. Pearson makes a motion to accept this minutes from June 24, 2014 as presented. McKinney seconds the motion. The motion is unanimously approved by the Commission.
 - b. Pearson makes a motion to accept this minutes July 8, 2014 as presented. McKinney seconds the motion. The motion is unanimously approved by the Commission.
4. Old Business, there is none at this time.
5. New Business, there is none at this time.
6. Certificate of Compliance
 - a. 641 Willard St – DEP 199-976 – Jennifer Pears. Freda recommends a motion for certificate of compliance. Gianakis makes a motion to issue a certificate of compliance for 641 Willard St – DEP 199-976 upon verification of an as built. McKinney seconds the motion. The motion is unanimously approved by the Commission.

7. Extension Permit, there are none at this time.
8. Emergency Certifications, there are none at this time.
9. Agent's Report, there is no report at this time.
10. Sign Papers
 - a. Keeneland
 - b. Central
 - c. Lowe
 - d. Day
 - e. Willard
11. Chairman's Report, there is no report at this time.
12. Next Meetings
 - a. September 23, deadline Sept 11
 - b. October 14 & 28
 - c. Select Dates for November and December
13. There is mention of the construction of the church on Central Street. Freda is very impressed with the work done here.
14. On a separate note, Gianakis offers that he will drive by the Baker Cadillac construction to see if they have their DEP file numbers.
15. The meeting is adjourned.

Respectfully Submitted,

Sandy Pellecchia
Scribe