



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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

I. In attendance:

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

II. The meeting is opened at 7:00 p.m.

III. Hearings

A. 7:00PM A public hearing was opened to consider a Request for Determination by Syncarpha Massachusetts, LLC for removal of trees in the buffer zone of an intermittent stream, to maximize energy production on the ground-mounted solar system presently under construction. The proposed work is in the 50-100 foot buffer zone as previously delineated in 1993 and re-delineated and reflagged in 2012. No work will take place in the 50-foot buffer zone. Address 350 Industrial Road, Assessors Map 256, Lot 4.

1. Bob Knowles with Renewable Energy MA, development partner of Syncarpha and represents the project. Bob updates all present on the work done since September. In the course of installing the poles they have found a tree line. They are getting a fair amount of shading on some of the panels. The ORAD approved the wetland delineation in April 2014. They are want to remove 50' of trees in the 50 to 100 foot buffer zone, and would leave 50' along the wetlands. This tree removal will help with the shading concern.
2. The facility will be 90% done by the end of February 2015.
3. Scott Pearson asks a question. Approximately what size and how many trees will you be taking out. Bob says ball-park there are probably about 100-200 trees. Ms DiNardo clarified that this site was under a forest management and there are no large trees. Bob says these trees will be taken off site.
4. Larry Gianakis asks will the stumps stay. Bob says yes they will.
5. Freda asks DiNardo to go through recommendations.
6. DiNardo's recommendations are as follows:
Based on the updated plan it appears that all of the additional tree removal work will to take place outside of the 50 foot buffer zone of the bordering vegetated wetlands associated with the intermittent stream. 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. An ORAD 199-0995 – was issued on April 7, 2014. **NPDES – CPG#: MAR12B068 & EPA#: MAR120000**
MassDEP Stormwater Management – A Management Plan is in place and standards 1-10 have been met.

Observations & Recommendation:

The buffer zone does not contain slopes greater than 15 percent, the buffer zone does not contain Estimated Habitat of Rare Wetlands Wildlife, the bufferzone does not border outstanding resource waters, no work will occur within 50 feet of buffer zone, the site is completely stable, and no impervious surface will be added to the site or in the buffer zone.

I recommend that the Commission issue a Negative 3, the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

I recommend the following conditions

1. Site walk with Conservation Commission or Agent to confirm approved tree removal prior to start of work
2. Place erosion controls to the edge of work area (south side of property)
3. 24 Hour notice – email or written regarding the tree removal work
4. Tree removal with the ground is frozen
5. Do not disturb signs along the resource area – every 40 feet
6. Any further changes will require filing with the Conservation Commission
7. As built plan upon completion

Kelley Freda asks are there any other commissioners who would like to speak on this hearing. There are no further questions. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward. Miss Freda then declares the public hearing closed.

Larry Gianakis motioned for a negative three, Scott Pearson seconded and the vote was unanimous.

- B. 7:05PM A public hearing was opened on a Notice of Intent by Cynthia Gerante, for after the fact work to enclose an intermittent stream. The work involved trenching and installation of approximately 180 feet of corrugated plastic drain pipe and was completed in 2006. Address Lot 2, 10 Stone Hedge, Assessors Map 411, Lot 77, DEP 199-1005

1. Mark Piermarini with Whitman & Bingham Associates LLC represents the project.
2. Cynthia Gerante from 10 Stone Hedge is also present.
3. Mark wishes to get an order of commissions after the fact for the work done. He presented the original 1986 subdivision plans. He also presented pictures from 2006 when the stream work was done.
4. Freda asks DiNardo if she has any comments.
5. DiNardo has been to the site. She got involved as a new home-owner was coming to purchase the property.
6. Freda asks if any commission members have any comments.
7. Gianakias asks is the pipe sized correctly.
8. Piermarini says he assumes it is fine. Gerante says there has been no back up or problems with it.
9. Freda appreciates the homeowner coming in. She did have a discussion with DEP on this. She was told that the Commission could make the home-owner take the pipe out. She does not wish to do that. Gerante says she was not told that the stream was under any protection when she bought the home. They were told it was just runoff.
10. Kelley Freda asks are there any other commissioners who would like to speak on this hearing. There are no further questions.
11. Freda asks does anyone in the audience wish to speak on this hearing. She asks three times. No one comes forward.
12. Freda asks DiNardo to go through recommendations.
13. DiNardo's stated that forcing the home owner to dig this up would place an undue burden. She recommended the Commission issue an after the fact Order of Conditions (OOC) and a Certificate of Compliance (COC) along with the following on-going conditions:
 - i. Note on the COC that there is an intermittent stream located in the back yard that has been documented as an as built plan, dated Nov. 24, 2014.
 - ii. The steam has been piped, trenched and buried and is encased in a 24 inch HDPE.
 - iii. Any further changes will require filing with the Conservation Commission.
14. Freda closes the public hearing at 7:17 p.m. Freda asks for a motion.
15. Scott Pearson makes a motion to lift the enforcement order for 10 Stone Hedge Drive, Leominster, MA. McKinney seconds it. The motion is unanimously approved by the Commission.
16. Gianakis makes a motion for an OOC with DiNardo's recommendations to include the boilerplate for Address Lot 2, 10 Stone Hedge, Assessors Map 411, Lot 77. Pearson seconds it. The motion is unanimously approved by the Commission.
17. Pearson makes motion for COC, 199-1005, 10 Stone Hedge. McKinney seconds it. The motion is unanimously approved by the Commission.

7:18

C. Slack Brook / Exchange Street Project – Army Corp Presentation – Bob Russo

1. Bob Russo with the Army Corp of Engineers represents the project. He explained the Corp has authority to work on projects that effect public safety. The project is Slack Brook / Exchange project. After several design considerations they will be stabilizing about 300 feet of embankment using block abutments. This will be on the right bank of Slack Brook. The brook is also a cold water fishery. Using a draft drawing he pointed out the extent of the work, beginning at the breached dam and going to the stone wall on the abutter's property. The slope is 1.5 ratio. He also pointed out the cross section diagram on the drawing.
2. Coral Siligato, Engineer Army Corp speaks on the project. She explains the plan with the least impact to the brook. There is a 3 foot thick armament at the bottom to protect the toe of slope.
3. Gianakis asks is it still planned to incorporate some material from the old dam. Coral says yes, there is a portion of the project where they are trying to reuse material as much as possible. (7:27)
4. Mike Penko, Ecologist, Army Corp speaks on the project. He speaks about stream fish resources including the riffle-pool sequence. He speaks about how they are trying to avoid them. He speaks of vegetation, stating there are about 50 trees along the bank. Trees will be removed and new trees will be planted along the street. This is a cold water fishery but it is not an outstanding resource water, per Maryanne DiPinto. He explained that the plan has been reviewed with Mass Fish and Wildlife. Mike asks if anyone has any questions.
5. Freda asks if this project will require a wildlife habitat analysis. Mike says yes, this will be done. Mr Penko explained that an environmental assessment was already done. Freda asks are there any other commissioners who would like to speak on this hearing. Freda asks does anyone in the audience wish to speak on this hearing. Councilman James Lanciani Jr. says he is pleased to see this moving along. Ms Freda did express support for the project.
6. DiNardo says she got an email from a resident about putting sidewalks at Slack Brook / Exchange Street.
7. Freda asks is DPW aware of the request. DiNardo says they are.
8. Freda asks if public comments can be taken at this point or does this wait until the NOI. Mr Penko stated that the Federal MEPA process is already over. Comments can be taken at NOI hearing.

D. Extension Permit Dep 199-663 November 18, 2014 EcoTech

Please see the attached document dated November 18, 2014 it is a letter from environmental consulting services to the Leominster Conservation Commission regarding request for three year extension permit for OOC Castleland subdivision, Willard St, Leominster, Massachusetts Dep file no. 199-663. Applicant: BEC

1. Representatives present were: John P. Rockwood, Ph.D., PWS Chief Environmental Scientist EcoTech and Mike Lovezzola from Barletta Corp.
2. DiNardo speaks on the project. She reported that the all conditions are being met and explained that they can ask for a partial certificate of compliance and start all over again. Or, they could issue an extension permit for one, two or three years. DiNardo says she recommends extend the permit for three years.
3. Freda asks do any other Commissioners have any questions.
4. Gianakis asks are the dirt-bike issues better now? The answers are that the parcels are deeded to the City. DiNardo cannot answer that question.
5. Freda asks for a motion.
6. Dan Brodeur makes a motion to issue a three year extension permit for DEP #199-663. McKinney seconds it. The motion is unanimously approved by the Commission.

7:41

IV. Regular Meeting

1. Call to Order
2. Enforcement
 - a. 554 Willard/22 Jytek: the property owner has indicated that he wants to move forward with the design. However, no soil testing has been done. The property owner has to come in and file. The Conservation Commission will keep this property in mind to make sure that there is no equipment or action on the project at this time.
3. Communications, there are none at this time.
4. Minutes
5. Old Business
 - a. MS4 – Public Hearing – Leominster Library November 19 1PM. The update is that Freda and DiNardo attended the hearing. There were 50 people there. At this point the city has not submitted any comments. Freda encourages all to look through this and get comments to DiNardo. DiNardo will include comments in a letter from the City. This will be good for the city in terms of cleaning up the streams and rivers once it is implemented.

- b. DiNardo speaks about the Stormwater Ordinance. She says that she is finishing up a letter to go to all of the developers. Starting on Jan 1, 2015 all developers will need to do a Stormwater permit when they come in with a new project.
6. New Business
 - a. DEP 199-0933, 96 Old Tavern Road & Royal Oaks - Minor Modification. There is a change in a project. Each Commissioner has a copy of the site plans. Signed by Kent Oldfield. Please see the attached document a memo dated October 16, 2014 from SRA & New England Engineering group to the Leominster Conservation Commission regarding Holly Garcia (Kartanos) 96 Old Tavern Road & Royal Oaks file number: 199-0933. (Letter attached)
 - b. Freda explains the request.
 - c. Freda's opinion is that a new Notice of Intent is not required.
 - d. Gianakis asks is there any further encroachment? DiNardo answers no it is the same.
 - e. Pearson asks there is no change in impervious. DiNardo answers that there is less.
 - f. Gianakis makes a motion to consider this as a minor modification to be noted on as built plans. Pearson seconds it. It is unanimously approved by the Commission.
7. Certificate of Compliance, there are none at this time.
8. Extension Permit
 - a. DEP 199-663 Castleland - Roadway
9. Emergency Certifications, there are none at this time.
10. Agent's Report, there is not one at this time.
11. Sign Papers
 - a. RDA's & NOI
12. Chairman's Report, there is not one at this time
13. Next Meetings
 - a. December 9, 2014
14. Adjournment is at 7:53 p.m.

Respectfully Submitted,

Sandy Pellecchia
Scribe

Attachments
Letter EcoTec November 18, 2014
Letter SRA & New England Engineering Oct 16, 2014

EcoTec, Inc.

ENVIRONMENTAL CONSULTING SERVICES

102 Grove Street

Worcester, MA 01605-2629

508-752-9666 – Fax: 508-752-9494

By Email November 18, 2014

Leominster Conservation Commission

Leominster City Hall 25 West Street

Leominster, MA 01453

RE: Request for Three Year Extension Permit for Order of Conditions Castle Land
Subdivision, Willard Street, Leominster, Massachusetts DEP File No.: 199-663

Applicant: BEC To the

Commission:

On behalf of Whirl Wind Capital, LLC (WWC), EcoTec, Inc. has prepared this request for an Extension Permit for the Order of Conditions for the above-referenced project. This request is made pursuant to Section 10.05(8) of the Massachusetts Wetlands Protection Act regulations and General Condition 5 of the Order of Conditions for the project. The Order of Conditions for this project expired on May 5, 2004, and the current Extension Permit issued by the Commission subject to the four year benefit of the Permit Extension Act will expire on May 2, 2015. The latest Extension Permit was recorded at Book 7159, Page 183 on April 16, 2010. Due to the work that has been completed since upturn in the economy and the number of houses yet to be built before the balance of the roadways may be top coated and the work under this Order can be completed, the applicant respectfully requests that the Commission grant a three (3) year Extension Permit for the Order of Conditions to May 2, 2018 to allow the work described below to continue.

The project consists of a seventy-four lot residential subdivision, and includes roadways, stormwater management, utility installation, wetland crossings and wetland replication, grading, and site stabilization. The majority of the infrastructure for the project, including roadways, stormwater management systems, utilities, wetland crossings and replication, and site stabilization, has been completed. Wetland replication was conducted in 2004 in accordance with the June 3, 2004 EcoTec Replication Protocol and the wetland replication areas were monitored in the fall of 2005 and 2006.

Significant progress has been made since the prior Extension Permit was issued. A total of 38 house lots (Lots 37 to 74) are located within the area where the work under this Order has been completed; 35 of these lots are completed, one lot is under construction, and two lots are currently vacant. Keeneland Circle, Ballard Court, Spindletop Drive, Samoset Drive to its intersection with Candlewood Drive, and Candlewood Drive from Keeneland Circle to the rear of lot 19 have been completed with roads to top course, curbing, sidewalks, light pole bases, drainage systems, and underground utilities including water, sewer, and electrical. The exposed soils were seeded and have vegetative growth. The pump station has been installed at the rear of lot 54. Open space Parcels A and B have been deeded to the City of Leominster.

The work that remains to be completed under this Order includes the installation of curbing and sidewalks, landscape plantings, and the top course of pavement for the balance of Samoset Drive and Candlewood Drive where the lots have not yet been developed. This work, which was delayed during the downturn in the economy, has picked up with the economy and approximately one-half of the subdivision has now been completed. Approximately one-half of the remaining 36 lots have been sold to the current builder. Three of these lots on Samoset Drive are currently under construction. Certain work required by the Order cannot be completed until at least 90 percent of the house lots within the subdivision have been developed.

As several of the remaining house lots are located within the 100-foot Buffer Zone, additional filings will be made by the builder with the Leominster Conservation Commission, when necessary, for each house lot where work is proposed within the 100-foot Buffer Zone. The builder is responsible complying with Orders issued for the individual lots and for controlling erosion and runoff from their lots.

We look forward to meeting with the Commission on this matter on Tuesday, November 25, 2014. Please send the original Extension Permit to my attention so that it may be properly recorded.

I hope you find this information helpful. If you have any questions relative to this matter, please feel free to contact me at any time.

Cordially, ECOTEC, INC.



John P. Rockwood, Ph.D., PWS Chief
Environmental Scientist

Attachment: Reduced Plan



NEEG

**SRA & New England Engineering Group
Environmental & Wastewater Consulting**

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NEEGLLC.COM

October 16, 2014

Leominster Conservation Commission

25 West St. Leominster, MA 01420

RE: Holly Garcia (Kartanos)

96 Old Tavern Road & Royal Oaks File Number:
199-0933

Dear Commission Members:

On behalf of our Client Holly & Chris Garcia, this office is submitting the attached revised house footprint which is scheduled for construction in the near future.

As shown on that attached plan, the new footprint is somewhat smaller than the original house footprint submitted to the Commission, and is a minor modification to the plans approved by the Commission.

This office has supplied the attached information to keep the Commission up to date regarding the on site changes on the subject lot.

If you should require any further information please do not hesitate to contact me at 978-878-7016 Ext 701.

Sincerely,

Kent E. Oldfield President

CC: Holly & Chris Garcia