

CONSERVATION COMMISSION
City of Leominster, Massachusetts

CITY HALL - 25 WEST STREET
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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
June 9, 2015 7PM
Meeting Minutes

I. In Attendance

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

1. Hearings

The meeting is opened at 7:02pm.

- 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 Todd Bourque for installation of fencing, bridge, and landscape improvements. Some of work will take place within the 50-foot of an intermittent stream and within the 100-foot bufferzone of bordering vegetated wetlands. Address 187 Hill St, Map 520, Parcel 22.
 - i. Todd Bourque, home owner represents the project. He explains that the area of concern is already disturbed from a prior sewer improvement. The area still needs to be restored from this project. Todd explains that he wishes to restore the already disturbed area, remove thorn bushes, Bittersweet, and Staghorn sumac. There is an intermittent stream and an easement on the property.
 - ii. Freda asks if there are any questions.
 - iii. Pearson asks what is the time frame on the project. Todd is just waiting for Commission permission before he begins.
 - iv. Gianakis asks where the easement is. Todd answers that the easement touches the property line in the back.
 - v. Gianakis asks about putting the fence on the easement is that OK. Todd says he is not covering the pipe with any fencing.
 - vi. McKinney would like to know more about the bridge that Todd wants to put on the property. Todd explains that it will just lie across the land. The bridge will not be permanently anchored.

- vii. DiNardo explains that if a fence is put there the Conservation Commission wishes to see a gap at the bottom so that wildlife can get through the fence if they need to. Todd says that the chain link fence will do this.
- viii. Gianakis would like to see the site as the fence will be 2-3 feet from the intermittent stream. Gianakis would like to have a 5 foot buffer from fence to stream if possible.
- ix. Freda asks if any other Commissioners have any further questions. There are none.
- x. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times. No one comes forward.
- xi. Freda asks DiNardo for her recommendations.
- xii. DiNardo recommends a negative three with the added conditions:

Tuesday, June 09, 2015

To: Leominster Conservation Commission

From: Joanne M DiNardo, Environmental Inspector

Subject: RDA 187 Hill Street

I have visited the site and offer the following advice:

The Wetland Resource Delineation that was submitted with the application for the 178 Hill Street – S Flynn on OOC 199-963. The wetlands and intermittent stream were delineated in 2012. On several visits this spring the channel was dry. This project proposes to install stockade fencing and to replant the sewer easement area that is still exposed.

Under the Wetlands Protection Act the installation of fencing and landscaping can be allowed and is exempt if it is greater than 50 feet from the resource area. In this case the fencing is within the 50 foot buffer area. The area is already disturbed and the landscaping would be an improvement.

I would recommend a negative three as long as the fencing is not a wildlife barrier and the wildlife can still pass under and through the area.

The added conditions would be a 48 hour notice to the commission prior to the start of work, installation of proper erosion controls if needed, and an as built plan submitted to the Commission upon completion. Any change in plan must be submitted to the commission.

*Sincerely
Joanne M DiNardo*

- xiii. The public meeting is closed at 7:20pm.
 - xiv. Pearson files a motion to issue a negative three for the request for determination for Address 187 Hill St, Map 520, Parcel 22 with DiNardo's recommendations. McKinney seconds the motion. The motion is unanimously approved by the Commission.
- b. 7:05PM Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing on a Request for Determination by Keolis Commuter Services, LLC, to replace a culvert. The work will take place in the Fitchburg Commuter Line Right of Way at Mile Post 44.75. The culvert will be replaced with two 24-inch round RCP Class V pipes. The work is behind 194 Nashua Street. The work is in the bufferzone of bordering vegetated wetlands. The culvert is an intermittent drainage channel.
- i. Dave Gordon, Pure Consultants, represents the project.
 - ii. Keolis Commuter Services, LLC, wishes to replace the existing box culvert.

- iii. Freda asks about any possible stockpiling. Dave explains that the work is done within 6-8 hours.
- iv. Freda asks if any other Commissioners have any further questions. There are none.
- v. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times. No one comes forward.
- vi. Freda asks DiNardo for her recommendations. DiNardo recommends:

Tuesday, June 09, 2015

To: Leominster Conservation Commission

From: Joanne M DiNardo, Environmental Inspector

Subject: RDA

I have reviewed this application, visited the site, and would like to offer the following comments:

This project will replace a substandard culvert with two 24 inch pipes. The drainage channel runs intermittently. There will be no disturbance to the bordering vegetated wetland. Under the Wetlands Protection Act, maintenance work is generally exempt.

Recommend a negative three with the following added conditions

1. 48 Hour Notice to Conservation Commission or Agent (written or emailed).
2. Clean up of the area and removal of railroad ties and debris.
3. As built upon completion.
4. Any additional changes will require conservation approval.

Mass Endangered Species Act (MESA) - The area/location is not identified on the Estimate Habitat Map so no filing is required.

NPDES – NA

MassDEP Stormwater Management – NA

Other Applicable Permits:

Sincerely
Joanne M DiNardo

- vii. The public meeting is closed at 7:28pm.
 - viii. Gianakis files a motion to issue a negative three for the request for determination for the Fitchburg Commuter Line Right of Way at Mile Post 44.75 behind 194 Nashua Street with DiNardo's recommendations. Pearson seconds the motion. The motion is unanimously approved by the Commission.
- c. 7:10PM Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing to consider a Notice of Intent by the City of Leominster for routine maintenance of public roadways, right of ways and easements. The activities include routine maintenance of the roadways, stormwater systems, water systems, sewer systems, vegetation removal, cleaning of detention ponds, and culvert cleaning and maintenance.

- i. Dave Smith from the Leominster DPW represents the projects: for routine maintenance of public roadways, right of ways and easements for the City of Leominster. The activities include routine maintenance of the roadways, stormwater systems, water systems, sewer systems, vegetation removal, cleaning of detention ponds, and culvert cleaning and maintenance.
- ii. Freda reads a letter into record:

Tuesday, June 09, 2015

MEMORANDUM

To: Kelley Freda
Conservation Commission Chairperson

From: Raymond Racine
Public Works Director

RE: NOI # 199-1011
General Maintenance of Roadways, Rights of Way and Easements in Leominster

The Leominster Department of Public Works recently applied for Notice of Intent #199-1011 for General Roadway Maintenance on various unspecified streets throughout the Leominster community. The purpose of seeking an Order of Conditions for General Road and Right of Way Maintenance is to allow certain types of low-impact activities to proceed under close supervision by the Conservation Commission and its agent, but to avoid the need for individual permit applications for routine road and utility maintenance projects. The Order is sought only to cover routine maintenance activities that present a low risk of impact to the environment, and that are located within existing road right of ways and easements. In all cases, the Leominster DPW will work with the Leominster Conservation Commission and its agent to implement site-specific reviews of proposed activities as they are identified, and will satisfy all requirements imposed by the Commission as a condition of approval for the activity. The following activities are proposed to be covered under the Order of Conditions 199-1011:

Routine Removal of Winter Sand from Roadway Surfaces and Shoulders –

Accumulated sand from winter sanding operations tends to build up on the side of the paved roads and on the road shoulders. This build-up can prevent storm water runoff from entering the designed drainage system, and so must be removed as part of routine road maintenance. Removal of this material will be accomplished with hand tools, with power brooms and other light construction equipment used in areas of heavier build-up. All of the activity will be either on the roadway or within ten feet of the roadway edge.

Routine Repair of Road Shoulder Erosion Rills - In areas along shoulders where storm water runoff has caused minor washouts, a gravel-based material will be installed to reestablish the shoulder. This repair will be accomplished with hand tools, with power brooms and other light construction equipment used for repair of larger erosion rills. All of the activity will be either on the roadway or within the road right-of-way.

Routine Clearing of Roadside Vegetation - Tree saplings, grass, weeds and shrub growth along the shoulders and within the road right of way shall be brush cut and/or mowed to allow for improved driving sight distance and snow storage. The City of Leominster has purchased a specialized mowing tractor with a boom-mounted flail for this purpose. The tractor does not need to leave the paved surface of the road to remove sufficient vegetation for routine management purposes. In most cases, the cut vegetation forms a thatch-like mulch that is left in place. In some cases, removal of sticks and branches by hand is required to avoid interfering with stormwater runoff.

Routine Paving Operations – Bituminous asphalt paving activities will take place throughout the 160 mile road system of Leominster. The report identifies the condition of the roads with respect to four parameters, i.e., Pavement Condition, Drainage Condition, Amount of Guard rail, and Traffic Volume. All paving activity to be covered under the Order 199-1011 is to occur within the margins of existing road surface, and does not

include widening of roads or the construction of new roads. The proposed paving activities are subject to available funds from both local appropriation and Massachusetts Highway Department Chapter 90 grants, and so the scope and location of paving activity cannot be predicted with certainty in advance of the actual approval of funding. Improvements can include grinding, cold planning and overlay of existing pavements to current widths. In addition, pavements can be crack sealed with bituminous-based products. Pot holes will be repaired using widely accepted techniques. Once a year, traffic stripes are repainted. These activities will require the use of heavy machinery in many cases, but all activity will occur on existing road surfaces.

Routine Maintenance of Roadside Drainage System – Leominster has a drainage system that includes a combination of swales and ditches, storm water catch basins and pipes, and road culvert pipes. The Department of Public Works must clean these systems on a regular basis to ensure that the roadside stormwater management system operates properly. There are approximately 200 catch basin sumps which are cleaned out once a year in accordance with Leominster's NPDES Phase II Storm Water permit. Ditches and swales are maintained via brush cutting, mowing and cleaning. Road culverts will be cleaned of wood, leaf and vegetation debris, generally by the use of small hand tools, such as rakes and shovels. Where accumulated sediments have impaired the proper function of the swale or culvert, the DPW must remove the sediment. Sediment removal will be accomplished using hand tools wherever possible, but some cases may require the use of light construction equipment, particularly for use in restoring the proper grades to swales. In addition, the DPW must periodically inspect and make minor repairs to culvert headwalls, rip-rapping, and other drainage structures in the road and road shoulder in order to ensure that they continue to function as intended. Any work which is beyond the scope as described above, such as the creation of new swales or the replacement of existing culverts, shall be presented to the Conservation Commission for approval under a separate application and file number. Any work on a culvert carrying an intermittent stream approved under Order 199-1011 will be conducted during a period of no flow only. Any work involving a culvert carrying a perennial stream will require a separate filing with the Conservation Commission.

- iii. Freda asks if any other Commissioners have any further questions. There are none.
- iv. DiNardo asks about projects that do not show resource areas.
- v. Smith talks about the Elm Street project removal of soil on the roadside that has been neglected for many years. Freda cautions Smith to talk to DCR about this project.
- vi. 40 Spruce Street is a collapsed sewer line. DPW wishes to repair the damaged clay piping that leads to a manhole. Monoosnoc brook is right near there.
- vii. Leominster Connector is another silted and vegetated road side. They wish to repair and restore.
- viii. Smith street pipe is collapsed and compromising a drive way.
- ix. Willard Street is a 30 inch steel culvert that has rusted away and is causing soil erosion on the outside of the pipe. They wish to replace with concrete.
- x. Lancaster Street is a collapsed sewer line. They wish to replace the clay pipe that has collapsed with plastic pipe and remove a manhole.
- xi. Prospect Street has a collapsed drain line. The hope is to replace the upstream catch basin.
- xii. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times. No one comes forward.
- xiii. Freda includes that the Leominster DPW has been trained in MS4 regulations and are aware of proper erosion control methods.
- xiv. Freda asks DiNardo for her comments. She likes the process. It is an improvement and she is looking forward to seeing this go through.

- xv. DiNardo offers the recommendation of a Standard Order of Conditions with special boiler plate conditions. The public meeting is closed at 7:45pm.
 - xvi. Gianakis files a motion to issue for a Standard Order of Conditions with special boiler plate conditions that are in draft for DEP 199-1011 routine maintenance of public roadways, right of ways and easements for the City of Leominster including routine maintenance of the roadways, stormwater systems, water systems, sewer systems, vegetation removal, cleaning of detention ponds, and culvert cleaning and maintenance with DiNardo's recommendations. Pearson seconds the motion. The motion is unanimously approved by the Commission.
- d. 7:15PM 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 stormwater improvements and the installation of a water quality vault within the riverfront of Monoosnoc Brook on Cotton Street. The improvements are designed to treat stormwater. The work will take place in the right of ways at the rear of 98 Adams St. Assessors Map 1, Lot 1, and near Map 6, Lot 3
- i. Ed Himlian represents the project.
 - ii. He wishes to capture the floatables and sediment to keep it out of Monoosnoc Brook on Cotton Street. Currently, 60,000 pounds of sediment come down this storm line.
 - iii. Freda asks will DPW be responsible for the regular maintenance of this. Ed says yes. Freda asks if the DPW could let us know each time after the vault is cleaned out. Ed says yes this can be done.
 - I. Freda says this project can be a learning/educational opportunity that the Conservation Commission can work with the DPW to explain over LATV. DiNardo also adds that this can be put on the Conservation Commission Web site.
 - iv. Freda asks if any other Commissioners have any further questions. Gianakis thinks this is a great project.
 - v. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times. No one comes forward.
 - vi. Freda asks DiNardo for her recommendations. DiNardo recommends:

Tuesday, June 09, 2015

To: Leominster Conservation Commission

From: Joanne M DiNardo, Environmental Inspector

Subject: RDA – Right of Way – Adams and Cotton

I have reviewed this application, visited the site, and would like to offer the following comments:

The proposed water quality units will help to treat stormwater before it flows into Monoosnoc Brook. The units are located at the rear of 98 Adams Street. The work is within the 100 foot bufferzone. I recommend a negative three with the following conditions:

- 5. Erosion Controls must be approved by Conservation Agent
- 6. Cover adjacent catch basins as appropriate
- 7. 48 Hour Notice to Conservation Commission or Agent (written or emailed)
- 8. Proper disposal of soil

9. No stock piling in resource area
10. Rain event plan – if needed – stockpiles must be covered
11. Maintenance Plan.

- **Mass Endangered Species Act (MESA)** - The area/location is not identified on the Estimate Habitat Map so no filing is required.
- **NPDES** – NA
- **MassDEP Stormwater Management** – NA

Sincerely
Joanne M DiNardo

- vii. The public meeting is closed at 7:56pm.
- e. Brodeur files a motion to issue a negative three with DiNardo's recommendations for the Request for Determination by the City of Leominster for stormwater improvements and the installation of a water quality vault within the riverfront of Monoosnoc Brook on Cotton Street. The improvements are designed to treat stormwater. The work will take place in the right of ways at the rear of 98 Adams St. Assessors Map 1, Lot 1, and near Map 6, Lot 3. Pearson seconds the motion. The motion is unanimously approved by the Commission.

I. Regular Meeting

1. Call to Order
 2. Enforcement
 - a. 554 Willard/22 Jytek – Mazzaferro. The letter has gone out and the resident has been asked to come to the next meeting.
 3. Communications, there are none at this time.
 4. Minutes
 - a. April 28, 2015. Gianakis makes a motion to accept the minutes as presented. Brodeur seconds the motion. Pearson abstains. The motion is unanimously approved by the Commission.
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1. Old Business
 2. Budget Items
 - i. Wetland Funds Review, DiNardo confirms that the \$6,000 has come back into the Fund. There is still \$2,000 that did not make it through. Freda asks for a Wetland Funds monthly review for the future.
 - ii. Database – Upgrade Funding. Should be installed by the end of June reports DiNardo.
 - iii. Web site is soon to come up and be updated. It is easy to work with but takes a while to do so. Freda and Gianakis will have access to updating the Web site. DiNardo can train both as needed for updates.
-
3. New Business
 - a. Sheep – Erickson – Hill Street. Erickson puts the sheep up there every summer and would like to know if he would be allowed to again this summer. Gianakis says the DPW usually clean up the edges. Can this still be done. DiNardo will ask the DPW can put this on their schedule.

Respectfully submitted,

Sandy Pellecchia, Conservation Scribe

The 8 interests identified in the Wetland Protection Act

- (1) Protection of public and private water supply*
- (2) Protection of ground water supply*
- (3) Flood control*
- (4) Storm damage protection*
- (5) Prevention of pollution*
- (6) Protection of land containing shellfish*
- (7) Protection of fisheries*
- (8) Protection of wildlife habitat*