



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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Leominster Conservation Commission
PUBLIC MEETING LEOMINSTER
25 West St, Room 10
July 28, 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 7:00pm.

2. 7:00PM Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing on a Request for Determination of Applicability by Doris Ryan for the replacement of a failed septic system with a connection to the city sewer under the stream channel. Address: 1070 Central Street, Leominster. Assessors Map 501 Parcel 3.

- i. Anthony Cleaves of Whitman & Bingham Associates LLC represents the project. Applicants Doris and William Ryan, the applicants are also here.
- ii. There is a failed septic system. Cleaves is recommending a pump system. He wants to stay far away from the wetlands and the culvert. A temporary disturbance to dig the trench and put in the pipe. Loam and seed will be done when the project is finished.
- iii. Freda asks if there will be any stockpiling. Cleaves says there really would not be any stockpiling.
- iv. Pearson asks about the culvert. Cleaves answers that it is a 42 inch pipe.
- v. Freda asks if any other Commissioners have any further questions.
- vi. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times.
- vii. Doris Ryan comments that this will be better for the environment.
- viii. Freda asks DiNardo for her recommendations. DiNardo recommends:

DiNardo notes there is a timeframe associated with the project that all have to be sensitive of. She recommends a negative three with the following conditions:

1. Erosion Controls must be approved by Conservation Agent.
2. 48-Hour Notice to Conservation Commission or Agent (written or emailed).
3. No stock piling within 50 feet of the resource area.

4. All stock piles must be protected or surrounded by erosion controls.
5. Any changes must be submitted to the Conservation Commission.
6. As built upon construction and completion.

ix. The public meeting is closed at 7:07pm.

- x. Pearson files a motion to issue a negative three with DiNardo's recommendations for Request for Determination of Applicability by Doris Ryan for the replacement of a failed septic system with a connection to the city sewer under the stream channel. Address: 1070 Central Street, Leominster. Assessors Map 501 Parcel 3. Brodeur seconds the motion. The motion is unanimously approved by the Commission.

3. 7:05PM Pursuant to MGL CH 131 S 40 as amended, there will be a public hearing on a Notice of Intent by Felice, Inc. for the restoration and expansion of an existing building and parking areas along with the construction of a new building and associated parking. A portion of the redeveloped parking lot, stormwater improvements and retaining wall are within the 100-foot wetlands buffer. Address: 236 Lancaster Street, Leominster. Assessors Map 177 Parcels 10, 10A, 11, 13 & 15A. There is no DEP file number yet.

- i. Anthony Cleaves of Whitman and Bingham Associates represents the project. Applicant William Collins of Felice Inc. is also here.
- ii. There is an existing building, pavement and gravel areas. There is a strip of land that bisects the project that is owned by the City of Leominster (it is a sewer main). This gives them two parts to the project. They are in the process of trying to acquire the piece of land from the City of Leominster, but they are also giving back easements (with access to it) to the City of Leominster.
- iii. There is a buffer zone that they are within.
- iv. Significant City Stormwater dumps onto this project. Cleaves will bring in a bigger pipe and will make a flatter slope. They will put in water quality catch basins too.
- v. Freda asks is there a drainage ditch on top of the sewer line? Yes is the answer.
- vi. Cleaves also mentions that the DPW will be trying to improve the manholes at the project site as they are in need of repair.
- vii. Gianakis asks how tall the wall be. Two to three feet with the tallest being 12 feet in height. Cleaves is aware that the wall needs a permit due to the height of it.
- viii. Brodeur ask what will be the use of the site in the future. The answer is retail business.
- ix. Brodeur asks about the drainage ditch in the back. Cleaves says it goes away because it becomes hard-piped.
- x. Brodeur asks what the time-frame for this is. Cleave says re-develop part one, work a bit on part two, and repave. Brodeur says there are things on the project that need to be addressed right away. Brodeur is concerned most about the existing stock piles. Collins says over 200 yards was removed last week. The concrete there will be reused.
- xi. Pearson asks please point out water quality to me. Cleaves explains what will be diverted and where.

- xii. Pearson asks about the piping and whether this will be the first part to be done on this project. The answer is no, the wall will probably go up first. Collins would like the wall done September 1st.
- xiii. Gianakis asks about snow storage. Cleaves shows the areas denoted for snow storage area. Gianakis asks about the area closest to the wetlands. He asks can anything be done here in case you do use that particular green space for snow storage. Cleaves says yes we can look at this further.
- xiv. Freda asks if any other Commissioners have any further questions. Gianakis thinks this is a great project.
- xv. Freda asks if there is anyone in the audience who wishes to speak on this matter.
 - 1. Roberto Morales from 14 Wheeler Street abuts the project. He asks:
 - a. What about the unnatural flow of rainwater and snow coming from the building to the abutter's house. Cleaves explains the underground recharge system. For larger storms, a swale. Cleaves does not expect any increase in Stormwater to the abutters property.
 - b. Morales asks what is the setback from commercial building to a residential property? Cleaves answers in the commercial district it is zero, except it is ten feet for if this was residentially zoned. Cleaves says the project is 11 feet from the residency.
 - c. Morales asks about shrubs, etc. Cleaves explains the grading that will be done on the other abutter's property. He notes the fence on the Morales property. Cleaves says there will be a fence all along that end of the property. Morales asks for specifics on the fence. Cleaves says white vinyl. Cleaves says more on this can be addressed at the Planning Board meeting.
- xvi. Freda asks DiNardo for her recommendations. DiNardo recommends:

I recommend that the Commission would issue an order of conditions and that there would also be a boilerplate conditions that will be held until the DEP file number is issued with no comments with the following conditions:

- 1. Erosion Controls must be approved by Conservation Agent
- 2. 48 Hour Notice to Conservation Commission or Agent (written or emailed)
- 3. A pre-construction meeting before work takes place.
- 4. 24-hour notice before the start of work.
- 5. NPDES – construction demo permit. A copy be submitted to the Conservation Commission.
- 6. No stock piling within 50-feet of the resource area.
- 7. All stock piles must be protected or surrounded by erosion controls.
- 8. Stormwater pollution prevention plan must be kept on-site
- 9. Snow storage plan must be submitted and implemented with any snow piles greater than 6-8 feet and for any storm greater than 72 hours and will remain in perpetuity.
- 10. No snow storage towards the wetland buffer zone.
- 11. Stormwater storage and maintenance plan, in perpetuity.
- 12. Annual Stormwater maintenance logs to be submitted to the Conservation Commission.
- 13. As built upon construction completion.
- 14. Any further changes submitted to the Conservation Commission for review.

- xvii. The public meeting is closed at 7:53pm.
- xviii. Freda comments about the lack of a DEP number. She feels comfortable having the paperwork ready to go

- 4. Gianakis files a motion to issue an order of conditions that will be held until the DEP file number is issued with no comments with DiNardo's recommendations and the boilerplate for the Notice of Intent by Felice, Inc. for the restoration and expansion of an existing building and parking areas along with the construction of a new building and associated parking. A portion of the redeveloped parking lot, Stormwater improvements and retaining wall are within the 100-foot wetlands buffer. Address: 236 Lancaster Street, Leominster. Assessors Map 177 Parcels 10, 10A, 11, 13 & 15A. Brodeur seconds the motion. The motion is unanimously approved by the Commission.

II. Regular Meeting

- 1. Call to Order 7:55 pm.
- 2. Enforcement
 - a. 554 Willard/22 Jytek – Mazzaferro – DiNardo has met with Mazzaferro and he is aware that any further action he must come before the Commission.
- 3. Communications, there are none at this time.
- 4. Minutes
 - a. April 28, 2015 - will be approved at the next meeting.
 - b. June 23, 2015 - meeting was cancelled.
 - c. June 9, 2015 - will be approved at the next meeting.
 - d. May 26, 2015 - will be approved at the next meeting.
- 5. Old Business
 - a. Wetland Funds Review – DiNardo states that the Wetland Funds should be reviewed monthly. Right now she is watching for the deposit of a sizable fee to go through (it was for the Notice of Intent for 236 Lancaster Street). The amount to the City of Leominster is \$537.50.
- 6. New Business
 - a. Castleland – Off Willard - gated and posted. It is a right-Of-Way (ROW) for National Grid. DiNardo asked them to put up a fence and they have. It is steel wire with yellow plastic on it. There are also cameras down there too. There is a no loitering sign. There are two Conservation Commission signs as well.
 - b. Budget Items Vote – DiNardo takes a minute to talk about the budget. The budget is less than level-funded from last year. Lots of cuts were made. She notes that the Wetlands Commission Funds should be kept an eye on. The Commission can vote from there if funds need to be taken from the Wetlands Commission Funds.
- 7. Certificate of Compliance, there are none at this time.
- 8. Extension Permits (Note Permit Extension Act – Qualifying Period Aug. 15, 2008 and through Aug. 15, 2012)
 - a. CSX Willard Street – DEP 199-966. This site is contaminated. There is detection of lead and zinc. They are planning on additional excavation work. The order is set to expire. They are looking for a 3-year extension.

- i. Pearson files a motion to issue a 3-year extension permit for DEP 199-966. Brodeur seconds the motion. The motion is unanimously approved by the Commission.
 - b. 83 Conant Street. A lot of vegetation removal has taken place. The McCarty Companies have been hired to take on this project. They are asking for a 3-year extension.
 - i. Pearson files a motion to issue a 3-year extension permit for DEP 199-965. Brodeur seconds the motion. The motion is unanimously approved by the Commission.
- 9. Emergency Certifications, there are none at this time.
- 10. Agent's Report, DiNardo says if you have any questions please call me.
- 11. Sign Papers
- 12. Chairman's Report
 - a. Freda comments to the Commission that they need to take care of the budget. First thing they need to do is to transfer \$8,000 from the Wetlands account to the Conservation Commission's Salary account to pay her through the month of July and through the rest of the summer. Gianakis makes a motion to request an appropriation from the City Council and the Mayor. The motion is seconded by Pearson. The motion is unanimously approved by the Commission.
 - b. DiNardo officially retire on Friday. She will stay on part-time to help the new agent. DiNardo will have to be paid for this as well. This will come out of the Wetlands account. DiNardo reminds the Commission to watch any encumbered funds constantly.
 - c. Three candidates were interviewed. A name was submitted to the mayor.
 - d. Freda offers many thanks to DiNardo for the above and beyond work that she has performed throughout the years. The Commission also agrees. DiNardo offers her thanks and notes her pleasure working for the Commission.
- 13. Next Meeting
 - a. August 11, 2015, Deadline, July 30, 2015, Freda notes if we can cancel we will do so.
 - b. September 15, 2015, Deadline, Sept 3, 2015
- 14. Adjournment at 8:15pm

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*