



**Kelley Freda**  
Chairperson

# 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  
Oct. 13, 2015 7PM  
Meeting Minutes

## I. In Attendance

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Daniel Brodeur		Marco L. Bangrazi - Conservation Agent
Kelley Freda – Chair		
Larry Gianakis, Jr.		
Scott Pearson – Vice Chair		

**A. The meeting is opened at 7:13 PM.**

**B. Hearings**

1. 7:00 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Request for Determination by Cormier Construction for the removal of an existing porch and foundation to install a new foundation and deck. The work will take place within the 200-ft Buffer Zone of a riverfront area. Address 33 Cherry St., Map 125, Parcel 10, 11, & 12A.

- a. Douglas Cormier owner of Cormier Construction represents the project.
- b. Freda asks the footprint will be the same. The answer is yes.
- c. Freda asks if any other Commissioners have any further questions.
- d. Gianakis asks how far away from the brook is it? 100 feet is the answer.
- e. Freda asks if there is anyone in the audience who wishes to speak on this matter.
- f. Bangrazi has a recommendation. He recommends a negative 3 along with the following recommendations:
  1. Straw waddles to be placed on the outer limit of the work area.
  2. Erosion control approval by Conservation Agent prior to start of work.
  3. 24 hour written or verbal notice prior to start of work.
  4. Copy of as-built plan after completion.
- g. Freda asks is there anyone in the audience who wishes to speak on this matter. She asks three times. There is no reply from the audience.
- h. The public hearing is closed.

- i. Pearson files a motion to issue a negative 3. Brodeur seconds the motion. The motion is unanimously approved by the Commission.
2. 7:05 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent for Southern End Realty for the construction of a 7 lot open space subdivision on a 262 foot long cul-de-sac with associated grading and utilities. Address 92 Belair Heights, Map 427, Lot 39.
  - a. Mark Piermarini from Whitman and Bingham Associates represents the project.
  - b. Piermarini has the approval of the planning board.
  - c. He explains the wetland areas, the 7 lot space, the storm drainage, the curtain drain to be installed, and the erosion control planned.
  - d. Freda asks if any other Commissioners have any further questions.
  - e. Freda asks questions of the entire project. Who is responsible for basin maintenance? The answer is a home-owners' association.
  - f. Freda asks will you open the whole site at once. No the plan is to proceed lot by lot.
  - g. Freda asks for a trench at the top. Piermarini says he can do this.
  - h. Freda asks about the existing house. Piermarini says it will remain. Freda asks how close is the basin to the existing house. 50 feet is the answer. Freda asks the depth-to-groundwater in that area. The answer is 72 inches.
  - i. Gianakis asks if we are just looking at the roadway right now.
  - j. Freda is concerned about approving the roadway and then having to approve the houses. How can the Commission regulate the construction of houses after approving the roadway?
  - k. Gianakis asks about the infiltration basin. He suggests that maintenance equipment would have to be in the wetland to do any work. Piermarini says there is room on the east corner of the plan and he can adjust so that a maintenance truck can get in.
  - l. Gianakis asks about the maintenance of rip wrap. He does not want erosion over time to make the home owner have to maintain in the open space. Meaning, there is no buffer between the open space and the slope if the rip wrap erodes. Gianakis is concerned with this. He would like room for access for maintenance; he would like Piermarini to plan for a Buffer Zone. Piermarini says he cannot pull the slope back.
  - m. Gianakis talks about the steep slope in the construction notes. 45 days for an area to be unstable is the concern. Piermarini will double check the Stormwater regulations on this.
  - n. Brodeur says with this steep of a slope erosion will be a concern. He says waddles will not be enough. Piermarini plans for a second row of straw waddles and more.
  - o. Pearson asks about the infiltration. Is it going in with the roadway? The answer is yes.
  - p. Freda's opinion is that she would like to see this project as it is advertised: construction of a 7 lot open space subdivision.
  - q. Gianakis asks about the house on lot 2. It is 20 feet from the wetland. Can we get more buffer from the home and the limit of clearing. Can we turn the angle of the home.
  - r. Freda's feelings before the public comments.

- i. The fact that the basin is 50 ft. from the house concerns her. She would like a formal review performed for compliance with the wetland protection act. She would also like to see the wetland line reviewed.
  
- s. Freda asks if there is anyone in the audience who wishes to speak on this matter.
- t. Dave Cormier, Ward 3 representative, speaks on this project. He walked the project. He would like the Conservation Commission to look at this project closely. He agrees with Freda who would like a formal review performed for compliance with the Wetland Protection Act. He has concerns with erosion. He has a concern with the maintenance of the basin.
- u. Piermarini says that he misspoke. The DPW will be taking over the maintenance of the basin.
- v. Mark Silverberg, 112 Belair Heights is an abutter who comments. The land that was sold was originally a Buffer Zone. He speaks of the wildlife that exists there. He speaks of the survey done in February with five feet of snow on the ground. He would sincerely appreciate another review for the wetland line. He is totally opposed to this project. Piermarini supplies information that Matt from his office went back out to survey the line after this time mentioned in February.
- w. Joseph Clayton, 32 Bicentennial Ave. is also opposed to this project. He shows us on the map where his home is. He was told there was clean fill. He has dug up rocks. He sees erosion. In fact, he has standing water right now, 24/7 draining from the whole hill. He suggests walking the property to see the standing water that keeps building up. He adds that a bad storm will cause flooding.
- x. Freda explains the Wetlands Protection Act protects wetlands when they are connected to another wetland. There can be a wetland that is not covered under the Wetlands Protection Act.
- y. Mark Silverberg, 112 Belair Heights adds that the waters are connected. He also adds that the water table is so high on Belair Heights that backfill had to be added before foundations were built.
- z. Deb Antrobus of 42 Bicentennial Ave. states that erosion is a constant problem. She encourages a site walk to see this. She is opposed to the project given the water, the erosion, the disruption of wildlife.
- aa. Rich Green of 107 Belair Heights is also totally opposed to the project.
- bb. Freda asks are there any more comments from the public at this time. She asks three times. There are no more comments.
- cc. At this time, Bangrazi does not have any recommendations. The Commission agrees that a site walk and a formal review performed for compliance with the wetland protection act should be performed.
- dd. The public meeting is left open. A third-party review should be done before then. This hearing will be put back on the agenda for the Oct. 27<sup>th</sup> meeting.
- ee. Mark Silverberg, 112 Belair Heights asks when you walk the property please walk the whole width and span of it.

- ff. Pearson makes a motion for 92 Belair Heights to continue to the Oct. 27<sup>th</sup> meeting pending a verification of Wetland boundaries and Stormwater compliance, a scheduled site walk, submission of the sequence of construction phasing, and a copy of Wetland report. Brodeur seconds the motion. The motion is unanimously approved by the Commission.
3. 7 :15 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent for SoCore Energy, for installation of a 1 MW solar panel array with a 2-foot wide gravel driveway. Approximately 1,765 sq. ft. of wetlands will be filled to construct the driveway. Address 982 Pleasant Street, Map 381, Lot 8. DEP # 199-1013.
- a. Wesley Flis from Whitman and Bingham Associates represents the project.
  - b. The questions from the last meeting have been answered.
  - c. Gianakis asks about the flag numbers that were not on the plan. Particularly those on the roadway. This appears that this is the area that the replication would take place, but it was labeled wetland. Gianakis asks if this can be clarified. Flags 125 – 133.
  - d. Freda states we issue an Order of Conditions with a condition added prohibiting the issuance of a physical copy prior to an updated plan showing the correct flags.
  - e. Freda asks if there are any other Commissioners who wish to speak on this matter.
  - f. Freda asks if there is anyone in the audience who wishes to speak on this matter. She asks three times. There are no comments from the audience.
  - g. Freda asks for objections to closing the public meeting. There are none. The public meeting is closed at 8:08pm.
  - h. Bangrazi's recommendations are:
    - 1. Erosion controls must be inspected by Conservation Agent prior to construction.
    - 2. 48 hour written (email) notification prior to any work being conducted.
    - 3. No stockpiling in resource area.
    - 4. All stockpiles must be covered.
    - 5. No issuance of physical OOC until updated site plan is received depicting the corrected wetland delineation flag numbers that are in placed on site.
    - 6. Stormwater basin maintenance outlined within the Drainage Analysis Report
  - i. Gianakis makes a motion for 982 Pleasant Street, Map 381, Lot 8. DEP # 199-1013 for a standard order of conditions with the boilerplate along with Bangrazi's recommendations and the condition that no orders will be issued until the Conservation Commission gets flag numbers. Pearson seconds the motion. The motion is unanimously approved by the Commission.

## Regular Meeting

1. Call to Order, 8:10 p.m.
2. Enforcement
  - a. There are none at this time.
3. Communications.
  - a. There are none at this time.
4. Minutes
  - a. September 22, 2015
    - i. Pearson files a motion to accept the September 22, 2015 minutes as presented. Gianakis seconds the motion. Brodeur abstained. The motion is approved by the Commission.
5. Old Business, there is none at this time.
6. New Business, there is none at this time.
7. Certificate of Compliance
  - a. 380 Central Street – DEP 199-1002. Bangrazi recommends a certificate of compliance. Pearson files a motion to issue a certificate of compliance for 380 Central Street – DEP 199-1002. Seconded by Brodeur. The motion is unanimously approved by the Commission.
8. Extension Permits
  - a. 283 Exchange Street (amended order issued 12/11/2012).
    - i. Paul Columbo, 283 Exchange Street would like to apply to extend the order of conditions. Currently they have no plans to do the work conditioned under the order. In the future, they may, so he would like to keep the order of conditions alive.
    - ii. Freda and Bangrazi do not have any concerns with this.
    - iii. Gianakis makes a motion to issue a 3-year extension permit for 283 Exchange Street, DEP 199-640. Pearson seconds the motion. The motion is unanimously approved by the Commission.
9. Emergency Certifications, there are none at this time.
10. Agent's Report, there is not one at this time.
11. Sign Papers
12. Chairman's Report, there is not one at this time.
13. Next Meeting
  - a. October 27, 2015, Deadline, October 16, 2015
  - b. November 17, 2015.
  - c. December 8, 2015.
14. Adjournment is at 8:18pm.

*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*