



# CONSERVATION COMMISSION

*City of Leominster, Massachusetts*

CITY HALL - 25 WEST STREET  
LEOMINSTER, MASSACHUSETTS 01453  
www.leominster-ma.gov

Kelley Freda  
Chairperson

Telephone (978) 534-7524 ext. 259 Facsimile (978) 840-8034

**Leominster Conservation Commission  
PUBLIC MEETING LEOMINSTER  
25 West St, Room 10  
December 8, 2015 7PM  
Meeting Minutes**

**I. In attendance:**

Kelley Freda - <b>Chairperson</b>	Marco Bangrazi - <b>Conservation Agent / Environmental Inspector</b>
Daniel Brodeur	
Larry Gianakis, Jr.	
Scott Pearson	

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

III. The following people are in attendance for tonight's meeting:

First Name	Last Name	Address
Mark	Piermarini	Whitman & Bingham Associates
Mark	Silverberg	112 Belair Heights
Gail	Clayton	32 Bi-Centennial Ave
Don	Heeley	26 Bi-Centennial Ave
Joseph	Clayton	32 Bi-Centennial Ave
Penny	Blankenship	92 Belair Heights
David	Cormier	City Councilor

**IV. Hearings**

**V. Continued Hearings**

7:00 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. DEP File # 199-1014

- a) Mark Piermarini from Whitman & Bingham Associates represents the project.
- b) Piermarini shows revised plans for DEP. As a review, the DEP commented on the infiltration basin being too close to the wetlands, thus it was moved outside of the bufferzone.



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Leominster Conservation Commission also wanted the house on lot 2 to be turned and positioned further away from wetlands as well as a second line of hay bales be used.

- c) A site-walk was done this past Sunday 12/6/15.
- d) Freda asks about the intermittent stream. She asks where the location is on the plan. Piermarini shows her.
- e) Freda asks the Commission if they have any questions.
- f) Brodeur asks for clarification of the second row of hay bales. Piermarini shows him.
- g) Piermarini was asked by DEP to do several more deep hole tests and to move the infiltration basin outside the 50 ft. buffer. Both were done.
- h) Freda reads the conclusion from Woodard & Curran. The conclusion was that Woodard & Curran feels that the Applicant has provided adequate documentation that demonstrates compliance with local and state stormwater regulations and the WPA.
- i) Ward 3 Councilor, David Cormier, speaks regarding the project saying there is significant run off by Bi-Centennial Ave. He asks where will all of the runoff be directed to and how will these mitigation measures impact the 50' deeded conservation land buffer. Piermarini responds that there will be a perimeter drain at the base of the buffer zone area which will pick up ground water and redirect the water to the outskirts of the development.
- j) There is discussion of what time was the site walk was performed. The answer is 9:30 a.m. and the comment was made by the Commission that all of the property was walked.
- k) There is further discussion about water that goes dead center on that property. And erosion in the winter time indicating there is a lot of water there. The question is asked what will be done about this water and how will the Commission address this?
  - a. Gianakis says they will have to look further into where this water comes from. He will follow up to see if this is a legal discharge into the wetland. But he insists that this has nothing to do with the building of houses.
  - b. Resident Don Heeley of 26 Bi-Centennial Ave says the person who purchases this new home will have water and he may point the finger at the home owner's at the top of the hill.
  - c. Mr. Heeley said many years ago the buffer zone was put in, why are the rules changing now?
  - d. Resident Joe Clayton of 32 Bi-Centennial Ave. notes the drain coming off of his foundation. He says when it runs, it is beyond the 50 foot and it saturates the area with standing water. Mr. Clayton asks what is going to happen



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- when you start moving dirt. He is also concerned about the new homeowner who will have water in his/her new home.
- e. Frank Gorman of Southern End Realty in Dracut MA steps up and would like to correct one comment made. He has built 40 homes all over Leominster in the past years. He has spent a lot of money, he has Engineers to address all issues, has gotten approval from the City of Leominster Planning board. He states that he will control the water coming off the hill. He states that this has been going on for a year and a half.
  - f. Resident Gail Clayton, 32 Bi-Centennial Ave speaks. She asks about hay bales. She asks if the hay bales are taken away after the houses are built and how do you control the water. Please explain. The answers are that the hay bales do eventually go. And each of the new basements will have perimeter drains in the basement as well as the builder's/contractors Engineering plans to control the water coming off the hill.
  - g. Resident Mark Silverberg, 112 Belair Heights speaks again. He states that beyond the three years, residents are all on their own and they are all liable for damages someone else created. He is concerned with that.
  - h. Gianakis says he needs to look at the plans according to the Wetland Protection Act. The homeowner has to trust the contractor to make sure he/she gets quality work.
  - i. Freda says when the Commission gets plans and what they see on a site walk if it is in compliance with the Wetlands Protection Act and the state stormwater regulations they approve the project. She offers that abutters do have a right to appeal and she offers that Marco Bangrazi, Conservation Agent / Environmental Inspector, can supply the abutters with this info and the process.
  - j. Resident Mark Silverberg, 112 Belair Heights understands that the Commission is following its rules and that other boards and committees are following their rules. He would like to see someone stand up and say this was done wrong and I am going to fix it. He expresses his frustration that this is not being done.
  - k. Freda asks is there anyone else in the audience who wishes to speak on this project.
  - l. Resident Penny Blankenship of 92 Belair Heights speaks. Her home has not had water. Her husband dug a ditch and installed pipes. She is aware of the others who have



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had water. It is her hope and she has confidence in Frank Gorman and he has honorable intent to builder's/contractors Engineering plans to control the water coming off the hill.

- m. Freda asks is there any objection to closing the public hearing? There are no concerns.
- n. Freda asks if any other Commission members have questions.
- o. Perimeter drains are discussed. Gutters on the houses being tied to the foundations drains are discussed.
- p. Scott Pearson asks about run off during the construction. He asks if the applicant would consider having no more than two sites open at the same time. Gorman offers that all of the drain work is done first.
- q. Gianakis offers that often the Commission sees projects that after time no one is at the site for a while and erosion controls are no longer in place. He explains that the Commission wants to prevent this from happening.
- r. Gorman says he will agree to the terms of conditions set by the Commission.
- s. Gianakis talks about when the building is completed. Can Gorman put up some Wetland markers? Gorman says yes.
- t. Freda asks for the last time does anyone in the audience have any more comments or any objection to closing the public hearing? There are no concerns.
- u. Freda declares public hearing closed 7:42pm.
- v. Bangrazi recommends issuing an Order of Conditions with boiler plate and additional recommendations:
  - i. Phosphorus fertilizer use is allowed for the 1<sup>st</sup> year only. Subsequent fertilizer use must be in accordance with the Department of Agricultural Resources 330 CMR 31.00.
  - ii. Maintenance of BMPs must be performed according to the Operation & Maintenance plan; notification to be made to the City of Leominster Conservation Commission in perpetuity.
  - iii. 48 hour written or verbal notification to Conservation Agent prior to construction beginning for the inspection of erosion controls.
  - iv. Site stabilization and erosion control measures must strictly adhere to the conditions currently found on sheet 8 of 11 titled "Construction Notes" on the site plans titled "Hidden Valley Estates Definitive Subdivision off Belair Heights - Leominster, Massachusetts - September 10, 2015". Specifically the "General Erosion Control Notes" and the "Construction Sequence and Erosion Control" sections.
  - v. Any change to the approved plan must be submitted to the City of Leominster Conservation Commission.



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- vi. Permanent wetland markers must be placed and maintained along the wetland boundaries utilizing suitable support posts.
  - vii. No construction to begin until a copy of the EPA Construction General Permit and a copy of the Stormwater Pollution Prevention Program (SWPPP) is submitted to the City of Leominster Conservation Commission.
  - viii. Detention basin and erosion controls shall be inspected weekly and immediately after a 1-inch rain event with notification of inspection and findings submitted to the City of Leominster Conservation Commission.
  - ix. Construction entrance must be maintained and swept clean of dirt/debris daily.
  - x. Proof of homeowner's association, documentation, and contact information must be submitted to the City of Leominster Conservation Commission before the issuance of a Certificate of Compliance.
  - xi. Sequence of events for vegetation clearing to be provided to the City of Leominster Conservation Commission. Additionally, no more than 2 house lots cleared/opened at a time until a 3<sup>rd</sup> lot has been purchased under agreement.
  - xii. Deeded agreement that Lot 2 cannot further develop the lawn area in any way without first seeking approval from the City of Leominster Conservation Commission.
  - xiii. Tie-in roof gutters to underground leach basins for each individual lot.
    - w. Brodeur makes a motion issuing an order of commissions with boiler plate and additional recommendations 92 Belair Heights. Map 427, Lot 39. DEP File # 199-1014. Gianakis seconds the motion.
    - x. There is further discussion. Brodeur would like to see gutters on the homes. Pearson would like water, road clearing and clear two lots at the time (unless under contract more than two lots at a time). Gianakis would like any further structure or fencing on Lot 2 must be presented before Conservation Commission. Freda would like no construction until they receive and SWPPP plan. She would also like detention basin and erosion controls to be inspected and notification to be submitted to Conservation. Construction entrance to be maintained. Maintenance of BMPs performed according to the Operation & Maintenance plan and notification to Conservation Commission. Phosphorous fertilizer year 1 only. And finally, proof of homeowner's association, documentation, and contact information submitted to the Conservation Commission before the issuance of a Certificate of Compliance.
- b. The motion is unanimously approved by the Commission.



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### VI. Regular Meeting

1. Enforcements, there are none at this time.
2. Communications, there are none at this time.
3. Minutes
  - a. October 27<sup>th</sup>, 2015
    - i. Pearson makes a motion to accept the minutes of October 27<sup>th</sup>, 2015 as presented. Seconded by Gianakis. The motion is unanimously accepted by the Commission.
  - b. November 17<sup>th</sup>, 2015
    - i. Pearson makes a motion to accept the minutes of November 17<sup>th</sup>, 2015 as presented. Seconded by Gianakis. The motion is unanimously accepted 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, there are none at this time.
7. Extension Permits, there are none at this time.
8. Emergency Certifications, there are none at this time.
9. Agent's Report, there is not one at this time.
10. Sign Papers
11. Chairman's Report, there is not one at this time.
12. Next Meeting
  - a. January 12, 2016. Deadline, December 31, 2015
13. Adjournment is at **7:51 pm.**

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*