



# 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  
25 West St, Room 10  
February 9<sup>th</sup>, 2016 7PM  
Agenda**

I. In attendance:

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

II. The meeting is opened at 7:08 p.m.

III. **Hearings**

**Chairperson Kelley Freda announces that she will abstain from the public hearing below because the applicant has a filing in front of her employer. Vice Chairperson, Scott Pearson will conduct the public hearing.**

7:00 PM Pursuant to the City of Leominster Stormwater and Erosion Control Ordinance, there will be a public hearing to consider a Stormwater Management Permit by Cumberland Farms, Inc. due to the inability to meet Design Standards set forth by the Ordinance. Address 454-466 Mechanic Street. Map 572, Lot 3, 11, & 18.

1. Chris Tymula of MHF Design represents the project. He explains about the development of the vacant lot. He further explains the significant grade difference of a 20 foot drop from the back to the front of the property. He explains the intent for grading, drainage and erosion controls to the Commission.
2. Pearson asks if any other Commission members have questions.
  - a. Gianakis asks Tymula to show him the stockpiles on the plans. He also shows Gianakis the hay bales and silt fence. They discuss briefly about using both entrances during construction.
  - b. Colombo asks what is the proposed elevation of both fuel storage tanks. The answer is the bottom is at 313 and the top is at 313-1/2. Colombo also asks about the seasonal high water level. Tymula says this is 7 feet.
  - c. Pearson asks about discharge from the sealed unit. Tymula points out the catch basin, the underground infiltration system of both units 1 and 2, and he shows Pearson where the discharge



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- is. Pearson asks about the roof run off. Tymula explains that it goes into closed drainage for units 1 and 2.
- d. Colombo asks about the size of the canopy. Tymula says it is 245 feet by 155 feet.
3. Pearson asks if there are any members of the audience who wish to speak on this public hearing.
  - a. Gail Feckley, Ward 1 Councilor asks what Town Departments and Committees have reviewed the project thus far and what is the current status of the project.
  - b. Tymula says that he has submitted to the Planning Department who sent the project out for an outside peer review. Tymula says he has received City of Leominster staff comments. Status now is that the project was contingent upon approval of the Conservation Commission and the project still has to go to City Council. Feckley's concern is the full access and the right turn only. Tymula explains that a traffic study has been completed. The traffic study went out for peer review too.
4. Pearson asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
5. Pearson asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of 7:22 pm.
6. Bangrazi recommends that issuing a permit is suitable for the situation.
7. Gianakis makes a motion for the approval of Stormwater Management Permit by Cumberland Farms, Inc. address 454-466 Mechanic Street. Map 572, Lot 3, 11, & 18. Colombo seconds the motion. Freda abstains. The motion is unanimously approved by the Commission.

## Regular Meeting

1. The regular meeting is resumed at 7:26pm.
2. Enforcement
  - a. 375 Harvard Street – DEP File #199-781 (Expired 9/13/15)
    1. Bangrazi offers input on the enforcement:
      - a. He received a complaint last week.
      - b. There was excavation activity and vegetation cutting within a wetland.
      - c. The owner, Carl Mimassa was permitted for the project in Sept of 2005; there was an extension given in 2007 which made the project active until September 2015; there was a lapse; and now there has been fill (solid waste concrete, cinder blocks and construction debris) that has been brought in that is not allowed.
    2. Freda asks if any other Commission members have questions.
      - a. The following discussion occurs:
        - i. There is no wetland flagging at the site.
        - ii. Brodeur asks is the plan that we are looking at from the one proposed in 2005. Bangrazi says yes the newest plan has only sewage calculations added onto it.



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- iii. Brodeur asks for confirmation that this situation is potentially filled in wetland. The answer is yes.
          - iv. Dimassa does plan to tie in the sewer line and he needs to remove the failed septic system at the site explains Bangrazi.
          - v. Freda explains that she has asked the DEP with assistance with the enforcement and that Bangrazi has issued a cease and desists with the owner.
  3. Pearson makes a motion for the ratification of the Enforcement Order for 375 Harvard Street – DEP File #199-781 Colombo seconds the motion. The motion is unanimously approved by the Commission.
3. Communications, there are none at this time.
  4. Minutes
    - a. December 8<sup>th</sup>, 2015.
      - i. Pearson asks for one correction: under item #1 it currently says resident Mark Silverberg... the person speaking did not identify himself but he was Councilor David Cormier.
      - ii. Pearson makes a motion to accept the December 8, 2015 meeting minutes with the one change made. Brodeur seconds the motion. Colombo obtains. The minutes are 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. 136 Exchange Street – DEP File #199-787
      - i. Bangrazi is speaking on behalf of the seller.
      - ii. He reads a letter from Whitman & Bingham. The letter says they have inspected the work and it substantially complies with the plans for lot 1 with the exception of: modified house orientation driveway location and added parking area on the north side of the house. As for the construction components for residential lot 2, the work on the lot 2 has not begun. There is a small amount of excavation work on lot 2.
      - iii. There is discussion of how this was filed. Bangrazi says this was filed as two separate lots under one order.
      - iv. The Commission does not want the seller to have an open order of conditions. They know the seller needs closure to sell. The concern is lot 2. They Commission decides that there will be a note on completed work on lot 1 and the grading only on lot 2 and that any future activity work on lot 2 will require a filing.
      - v. Freda asks if any other Commission members have questions.
      - vi. Gianakis makes a motion to issue a certificate of compliance for 136 Exchange Street – DEP File #199-787 with a note that the certificate is for the completed house and grading on lot 1 and grading on lot 2. And that there be an additional note that any additional work on lot 2 will require a certificate of compliance. Pearson seconds the motion. The motion is unanimously approved by the Commission.



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8. Extension Permits, there is none at this time.
9. Emergency Certifications, there is none at this time.
10. Agent's Report, there is not one at this time.
11. Sign Papers
12. Chairman's Report:
  - a. Agendas need to be on the Web site please.
  - b. Minutes are a bit behind, let's approve them and get them up on the Web site. And get a copy to the Mayor's office please.
  - c. Conservation Commission members need to complete the conflict of interest training on the conflict of interest Web site and drop off at the City Clerk's office.
13. Next Meeting
  - a. February 23<sup>rd</sup>, 2016. Deadline, February 11<sup>th</sup>, 2016
14. Adjournment.

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*