



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
March 8th, 2016 7PM
Meeting Minutes**

I. In attendance:

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

Community in attendance:

NAME	ADDRESS	PROJECT THEY CAME TO THE MEETING FOR
Christopher Anderson Bill Hannigan	Hannigan Engineering	Pierce Pond
Josh Hasenus	The Trustees	Pierce Pond
Dick O'Brien	Leominster Land Trust Leominster Trail Stewards Montachusett Regional Trails Coalition	Pierce Pond
Patricia Pinchette	19 Roche Ave.	Pierce Pond
John Pinchette	19 Roche Ave.	Pierce Pond
Ron Gonthier	15 Madison Street	Pierce Pond
Diane Richard	15 Roche Ave.	Pierce Pond

II. The meeting is opened at 7:02 p.m.

III. Hearings

7:00 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Request for Determination of Applicability by MPF Realty, LLC for the construction of a 23,400 square foot commercial building along with associated parking area and drainage systems. A portion of the parking area is proposed within the 200-foot Buffer Zone of a riverfront area. Address 133R Nashua Street. Map 379, Lot 4.

1. Christopher Anderson from Hannigan Engineering represents MPF Realty, LLC for the project.
2. This is mostly a redevelopment.
3. Nothing is proposed within the 100 ft. buffer zone.
4. There is something minimal they are proposing within the 200 ft. buffer zone: paving and part of the drainage system.
5. Pearson asks about the building size. He mentions that the public hearing is for a 23,400 square foot building but the plans say 15,000 square feet. Anderson explains that the plans mistakenly didn't account for the second story of the building, thus the actual size is 23,400 square feet.
6. Colombo asks why the plans have changed. Christopher says the plans now indicate condensed infiltration drainage into two separate areas, rather than the original one infiltration chamber.
7. Freda asks if any other Commission members have questions.
8. Freda asks if there are any members of the audience who wish to speak on this public hearing.
9. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
10. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **7:09 pm**.
11. Bangrazi recommends a negative three determination with the following conditions:
 - a. Straw waddles and silt fence placed upon the outer limit of work on the northwest corner of the lot
 - b. Erosion control placement must be approved by Conservation Agent
 - c. 24 hour written or verbal notice prior to start of construction
 - d. No stockpile within the 200 foot riverfront buffer zone.
12. Brodeur asks about the vegetated buffer on the backside. Yes there is a vegetated buffer, but the Nashua River is to the west of the property, not the south.
13. Gianakis makes a motion for a negative three with the Agent's recommendations for address 133R Nashua Street, Map 379, Lot 4. Pearson seconds the motion. The motion is unanimously approved by the Commission.

7:05 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a roadway with associated utilities and drainage structures for a 10 lot residential subdivision. The work proposes alteration to wetland areas and filling of Boarding Land Subject to Flooding. Address Roche Avenue, Map 262, Lot 2-16.

1. Christopher Anderson from Hannigan Engineering represents Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust for the project.



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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

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

2. Since the initial approval, storm water management has changed and these plans will meet those requirements.
3. Currently the site is undeveloped.
4. Road with cul-de-sac. 3 drainage basins are proposed. Several rain gardens will be constructed. Wetland alteration areas around the drainage basin are proposed. In the northern edge of the development replication is proposed. All sewers are proposed city sewer.
5. Regarding road construction: flood compensation to be provided, cut and fill areas are indicated, a conservation easement has been created, a wetland replication area is proposed.
6. Freda asks if any other Commission members have questions on the road.
7. Pearson has the 205 sq. ft. of alteration confirmed.
8. Pearson asks about where the basin #1 discharge going? The answer is a 6" sub drain. Discharged to rip rap area. Pearson would like to look at this closely during the site-walk.
9. Freda asks who will be responsible for all of the maintenance on these basins. Anderson believes it is Bovenzi.
10. Giankis mentions an additional roadway mentioned on the plans that will access private property. Is the infrastructure sized appropriately for that asks Gianakis. Yes says Anderson.
11. Pearson asks for straw waddles instead of hay bales.
12. Gianakis asks for a .pdf of the wetland analysis please.
13. Freda asks if there are any members of the audience who wish to speak on this public hearing.
14. Patricia Pinchette asks can the current residents tie into the sewer? Answer to be provided later.
15. Patricia Pinchette also asks about water that came into her basement when the first bit was cleared. Now that vegetation has grown, it keeps the water out of her basement. With more activity, will the water come back? Anderson mentions the installation of drainage structures and that should help prevent further water issues.
16. Diane Richard asks about the traffic for Roche Road. Freda tells her that this is a Planning Board concern. Bangrazi adds this Planning Board meeting will be advertised in the paper and on the City's web site.
17. Diane Richard has a sewer cap in her front yard, will this be utilized? The answer is no.
18. Patricia Pinchette asks again about the sewer tie in. Christopher will look into this for her.
19. Dick O'Brien from Leominster Land Trust Leominster Trail Stewards Montachusett Regional Trails Coalition is in favor of the project. The trail connection is a positive development. He would

- like to have the small seedlings of the pitch pine trees dug up and placed into Open Space protected area if possible.
20. Diane Richard asks if there is a number of trees that will be cut down. Christopher is not 100% on that answer at this time. There will be woodland between the houses and the pond.
 21. John Pinchette asks about consideration of the wildlife around the pond. Christopher says 16.7 acres of open space will not be disturbed.
 22. Dick O'Brien asks for a little extra effort to save the specimen trees.
 23. Ron Gonthier asks about the northern area up to Route 2. Christopher says this is dedicated open space.
 24. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
 25. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **7:22 pm**. Bangrazi recommends scheduling a site visit and waiting for a DEP File Number as well as considering DPW comments.

Comments from DPW:

- Add rain gardens to Operation and Maintenance plans
- Show the conservation restriction as referenced in book 7,464 page 286
- The Stormwater Operation and Maintenance on the plans say city of Worcester, so fix this please
- Seek special permit planning board
- Applicant file A & R plan with planning board

26. Freda's concerns are maintenance basins and rain gardens as well as house size bigger than what was proposed.
27. Dick O'Brien asks is the public invited to the site walk. That is OK says Freda.
28. Gianakis makes a motion to continue this public hearing until March 22, 2016 for address Roche Avenue Map 262, Lot 2-16. Seconded by Pearson. It is unanimously approved by the Commission.

7:10 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 3A Roche Ave. Map 262, Lot 2-3.

7:15 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 7 Roche Ave. Map 262, Lot 2-7.



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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

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

7:20 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 8 Roche Ave. Map 262, Lot 2-8.

7:25 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 9 Roche Ave. Map 262, Lot 2-9.

7:30 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 10A Roche Ave. Map 262, Lot 2-10.

7:35 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust, for the construction of a single family home with associated driveway, grading, and landscaping within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 12A Roche Ave. Map 262, Lot 2-12.

1. Christopher Anderson from Hannigan Engineering represents Peter E. Bovenzi, Trustee of Pierce Pond Realty Trust for the projects.
2. Lot 2 general grading around the house.
3. Lot 3 work within the buffer zone limited to grading of the site.
4. Lot 6 house to be constructed within the buffer zone and work for the site will be limited to the grading.
5. Lot 7 house to be constructed within the buffer zone and work for the site will be limited to the grading.
6. Lot 8 house to be constructed within the buffer zone and work for the site will be limited to the grading.
7. Lot 9 house to be constructed within the buffer zone and work for the site will be limited to the grading.
8. Lot 10 house to be constructed within the buffer zone and work for the site will be limited to the grading.
9. Lot 12A house to be constructed within the buffer zone and work for the site will be limited to the grading.
10. Freda asks about lots 7, 8 & 9 what the measurement is to the edge of the pond is. Christopher answers approximately 10-12 feet off of the pond limit. Lot 7 is about 20 – 25 feet.

11. Freda asks if any other Commission members have questions.
12. Gianakis asks about the conservation easement on lot 3. Will the areas be clearly marked? Anderson will ask about this.
13. Gianakis asks will this be a city road. Anderson will ask about this.
14. Gianakis asks about lots 9 & 10. Have you tried to minimize the access to the shoreline? Anderson says he will look into this more. It is mostly due to the utilities that they are so close to the shoreline.
15. Brodeur agrees especially on lot 10 please try to minimize the access to the shoreline.
16. Colombo asks about development. Road will be done first. Erosion control will be maintained even if houses do not all sold says Anderson.
17. Pearson notes that the city prefers straw waddles as opposed to hay bales.
18. Patricia Pinchette confirms that Roche Ave. is a public road.
19. Ron Gonthier asks about the trees on the land. Bill Hannigan of Hannigan Engineering confirms that the pitch pine will be pulled out to be replanted elsewhere.
20. John Pinchette asks about beach rights. What restrictions will be on the boats. Can residents walk on my property. Bill Hannigan says this is a legal question about beach rights but no one can just walk on your property.
21. Ron Gonthier asks will there be cutting down of trees on the buffer zone on the land especially lot 3. Freda explains that the buffer zone is 100 feet. Anderson shows Ron on the plans where the cutting will happen.
22. Patricia Pinchette is there any plans for these new homes to have a beach and to be able to dredge a beach for themselves. Bill Hannigan says no.
23. Bill Hannigan comes up and confirms the following:
 - a. Rain gardens were not designed to current standards and two house lots were eliminated from the original development. Infrastructure was specified to the original plan. That is why a few lots were so close to the pond.
 - b. Water main becomes public when it is put it, anyone can tie to it.
 - c. Sewer, Bill does not know about that tie-in for sure.
 - d. Trails, concern about parking... once it's a public way people visiting the trail will be able to park there.
 - e. Regarding house size, if there is a change in house size Hannigan will get approval from the Commission.
24. Diane Richards asks will these houses be a part of an association. Bill Hannigan says that is what is being talked about for the new homeowners. Not for the abutters (unless they tie into the associations sewer).
25. Patricia Pinchette says 4-5 boats come in at the Trail area to launch boats. Hannigan says once people live there the boat launching may decrease a bit.



Kelley Freda
Chairperson

CONSERVATION COMMISSION

City of Leominster, Massachusetts

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

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

26. Patricia Pinchette speaks about a piece of land that Peter Bovenzi gave to them. Hannigan will call Bovenzi in the morning and hear about that and will put it on the plan.
27. Brodeur asks about the plans and what is to take place in which order. The answer is build road infrastructure, drainage structures, and then do the filling and excavating.
28. Freda asks on the stormwater and maintenance operation plan please add the detention basin and rain garden maintenance in there.
29. Freda asks if there are any members of the audience who wish to speak on this public hearing.
30. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
31. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **8:06 pm**.
32. Bangrazi recommends continuing the hearings.
33. Gianakis makes a motion to continue the following public hearings until the March 22, 2016 meeting:

Address Lot 3A Roche Ave. Map 262, Lot 2-3
Address Lot 7 Roche Ave. Map 262, Lot 2-7
Address Lot 8 Roche Ave. Map 262, Lot 2-8
Address Lot 9 Roche Ave. Map 262, Lot 2-9
Address Lot 10A Roche Ave. Map 262, Lot 2-10
Address Lot 12A Roche Ave. Map 262, Lot 2-12

... Pearson seconds the motion. The motion is unanimously approved by the Commission.

Regular Meeting

1. Call to Order– back to regular meeting as of 8:13 p.m.
2. Enforcement
 - a. 375 Harvard Street – DEP File #199-781 (Expired 9/13/15)
 - i. Bangrazi explains that he contacted the DEP (March 7, 2016). The DEP would like to see the applicant work with the Conservation Commission before they fine monetarily.
 - ii. Work with an Engineer to comply with an as-built plan for the current conditions of the site.

- iii. This as-built could then be over laid with the current conditions of the site.
 - iv. Provide this to the Commission and the DEP within 30 days. If this is not done then the DEP will step in.
 - v. Then comes the plan for restoration of the affected areas to bring them back to original. This needs to be submitted within 60 days.
 - vi. Freda asks if this has been put into writing. The answer is not yet.
 - vii. Pearson makes a motion to send a certified letter with DEP's suggestions for correction of the property. The motion is seconded by Colombo. The motion is unanimously approved by the Commission.
3. Communications, there are none at this time.
 4. Minutes
 - a. January 12th, 2016. Pearson makes a motion to accept the January 12th minutes as presented. Seconded by Colombo. Gianakis and Brodeur abstain.
 - b. January 26th, 2016. Pearson makes a motion to accept the January 26th minutes as presented. Seconded by Brodeur. The motion is unanimously approved by the Commission.
 5. Old Business
 - a. 723 Willard Street Enforcement Update, no official updates at this time.
 6. New Business
 - a. Please put Lassie League on the next agenda.
 - b. 79 Pierce Street. Residential property. Tree cutting within 100 feet. Occurred Spring 2015. Trees cut, soil at site. Bangrazi issued cease and desist. Bangrazi suggested pitch RDA to Commission.
 - c. Boiler Plate - Discussion/Suggestions,
 - i. Colombo says about section e. #3 loaming and seeding must occur within 5-30 days. Can we shorten this? Freda says I don't see why not. She asks if we can hold off on these until the next meeting. Yes.
 7. Certificate of Compliance
 - a. 652 West Street Lot 2A (Dep File # 199-874), Bangrazi has an as-built plan and a letter from an Engineer. He has done site walk. He recommends a certificate of compliance for this project.
 - b. Pearson makes a motion to certificate of compliance for 652 West Street Lot 2A (Dep File # 199-874. The motion is seconded by Brodeur. The motion is unanimously approved by the Commission.
 8. Extension Permits, there are none at this time.
 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



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

- a. Brodeur cannot make the next meeting. He can contact the city's office to learn about how he can watch the meeting on LATV and vote on the public hearings.
13. Next Meeting
 - a. March 22nd, 2016. Deadline, March 10th, 2016
 14. Adjournment at 8:22pm

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*
- (9) Protection of fisheries*
- (10) Protection of wildlife habitat*