



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 23, 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 - Absent	

II. The meeting is opened at 7:08 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 Steven McNamara for the construction of a 24-foot by 30-foot detached garage with associated concrete foundation and driveway. This work is proposed within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address 169 Pleasant Terrace. Map 521, Lot 36.

1. The homeowner, Steven McNamara, represents the project.
2. McNamara is looking to put a garage to the right of his house. He explains what he calls swamp during the rainy season and the run off to the wetlands. He also explains that in June it dries up.
3. Bangrazi explains that the wetlands on the plan are in the back of the property along the property line.
4. Freda asks if any other Commission members have questions.
5. Brodeur asks if these are documented wetlands. The answer is it is defined as a wetland.
6. There is discussion of hay bales and silt fence. The answer is that straw waddles will be placed.
7. Freda asks if there will be floor drains in the garage. The answer is no.
8. Colombo asks if there are rain gutters or drainage off of the roof. The answer is no, not at the moment.
9. Bangrazi explains a few dead trees that he has looked at along the boundary in the back that will come down prior to construction.
10. Freda asks if any other Commission members have questions.
11. Freda asks if there are any members of the audience who wish to speak on this public hearing.
12. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.

13. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **7:20 pm**.
14. Bangrazi recommends a negative three with the following conditions:
 - a. Straw wattles and silt fence must be placed on the outer limit of the work area closest to the wetland.
 - b. Erosion control placement must be approved by Conservation Agent.
 - c. 24 hour written or verbal notice to Conservation Agent prior to start of work.
 - d. Disturbed areas must be stabilized with grass as soon as possible.
 - e. Dead tree removal must be reviewed and approved by Conservation Agent prior to cutting.
15. Gianakis comments about the as-built. He does not think an additional plan by an Engineer is needed. The other Commission members are OK with this.
16. Freda asks for any other questions or comments from the Commission.
17. Gianakis makes a motion for a negative three with recommendations 1-5 from the Conservation Agent for address 169 Pleasant Terrace. Map 521, Lot 36. Colombo 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 L.D. Russo, Inc. for the reconstruction of a parking area within the 200-foot Buffer Zone of a River Front Area. Work will include site grading, paving, sidewalk installation, landscaping, and installation of drainage structures. Address 140 Adams Street. Map 6, Lot 3.

1. Bangrazi speaks on behalf of the project. This is the reconstruction of the parking area. There are 4 drainage catch basins that tie into an out fall. There is a chain link fence now; this is proposed to be moved. More details are needed on this fence. There is a storm water rain garden.
2. Freda explains that this had come before them previously and that the plan looks the same.
3. Cynthia Russo, LD Russo Inc., explains that she is here to answer any questions.
4. Freda asks if any other Commission members have questions.
 - a. Fencing in the dumpster within 100 feet is brought up.
 - b. Gianakis requests a split rail fence or open bottom of the fence. Cynthia Russo says we will do anything that is required just let us know what you would like.
 - c. Brodeur comments that the fence is there for a safety concern.
 - d. Colombo brings up the concern of removal of some dead trees. Gianakis mentions when this came up before the Commission recommended removal of trees/vines on the bank.
5. Freda asks if there are any members of the audience who wish to speak on this public hearing.
6. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
7. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **7:36 pm**.



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8. Bangrazi recommends:

- a. I recommend the issuance of an Order of Conditions along with the standard boilerplate and the following added conditions:
- b. Erosion control placement must be approved by Conservation Agent.
- c. 24 hour written or verbal notice to Conservation Agent prior to start of work.
- d. Equipment fuel storage and equipment refueling must be done as far from the existing catch basin and resource area as possible. Spill kit must be available on site during construction.
- e. Trees immediately on stream bank (Below the Mean Annual High Water Line – “MAHWL”) shall be removed. Other trees upland of the MAHWL can be selectively cut after review and approval from the Conservation Agent or Commission members.
- f. Maintenance performed on storm water conveyances shall be followed with a notification of said maintenance to the Conservation Agent via email.
- g. Loose trash and other debris mustn't be allowed to leave the confines of the site. This condition is to remain in perpetuity.
- h. Fence must be approved by the Conservation Commission or the Conservation Agent prior to installation.
- i. No sodium chloride within 100 feet of the Riverfront Area. Permitting signs for no salt zone must be posted.

9. Gianakis states that the project is right on the river he would like to wait for DEP comments as well.
10. Cynthia Russo asks for timing of when DEP comments may come out. 21 days from the 11th is the answer. Freda says DEP is under-staffed and it may take 2 weeks or more. Freda does not want to hold the customer up.
11. Gianakis offers to hold his signature. All other Commissioners can sign now. Once DEP issues comments as long as there are no glaring items that need to be addressed (or items not discussed by the Commission already) then project is approved by Commission.
12. Freda reviews the special conditions from 2003. One notable is no sodium chloride within 100 feet. Signs for no salt zone must be posted. Gianakis agrees with Freda's recommendation.
13. During construction equipment fuel storage and refueling operations should take place the greatest possible distance away from the resource area and catch basin and a spill kit should be on site near catch basin.
14. Freda would also like to see any time maintenance is done on Storm water system that Conservation Commission is notified by email.

15. Gianakis adds removal of trees on the bank. Removal of additional trees must be approved by the Conservation Commission.
16. Gianakis makes a motion for a standard order of conditions with the boilerplate and the Conservation Agent's additional recommendations pending no DEP comments for address 140 Adams Street. Map 6, Lot 3. He adds that he will hold his signature until comments come back from DEP. Brodeur seconds the motion. The motion 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 Traditional Concepts, Inc. for the construction of a single family home with associated driveway and connections to municipal water and sewer mains within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 2A Grant Street. Map 523, Lot 1. No DEP file number at this time.

1. Chris Mossman Trowbridge Engineering represents the project.
2. They have designed the house to have a garage that is higher than the road level. Driveway will have a dip halfway down. Water will be directed to a low area in the driveway which will be shunted off into a proposed swale. Rip rap during construction. Silt fence (or hay bales). The project includes the house, grading and driveway.
3. Freda asks if any other Commission members have questions.
4. Gianakis asks about when project is complete there is scrub material, etc. He would like to see wetland resource area flags so no one extends the grass further (encroaching the Wetland). He asks in the as-built can these markers be denoted. Yes is the answer most likely along the tree line.
5. Brodeur agrees with Gianakis and would like to see it along the whole area every 30 feet or so.
6. Freda would like to see on ongoing condition once the property is sold. Phosphorous in accordance with agricultural regulations.
7. Freda asks if there are any members of the audience who wish to speak on this public hearing.
8. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
9. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **7:55 pm**.
10. Bangrazi recommends:
I recommend the issuance of an Order of Conditions along with the standard boilerplate and the following added conditions:
 - a. Erosion control placement must be approved by conservation agent.
 - a. 24 hour written or verbal notice to Conservation Agent prior to start of work.
 - b. No stockpiling within 100' of the wetland.
 - c. All stockpiles must be covered.
 - d. Permanent wetland boundary markers must be placed and maintained along the entire wetland boundary utilizing suitable support post or trees and placed every 40' in order to preserve a 10' minimum buffer from the delineated wetland. Approximate wetland boundary marker placement shall be included on "As-Built" plans.
 - e. Construction entrance must be maintained and swept clean of dirt/debris daily.



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- f. Phosphorus fertilizer use shall be in accordance with the Department of Agricultural Resources 330 CMR 31.00.

11. Gianakis would like the permanent wetland boundary markers noted in the as-built plan please.
12. Freda asks for additional questions or comments.
13. Colombo asks about the large tree on the tree-line. All parties say that they would like the tree to stay.
14. Gianakis makes a motion for a standard order of conditions with the boilerplate and the Agent's recommendations for the construction of a single family home with associated driveway and connections to municipal water and sewer mains within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 2A Grant Street. Map 523, Lot 1. Brodeur seconds the motion. The motion is unanimously approved by the Commission.

7:15 PM Pursuant to MGL CH 131 § 40 as amended, there will be a public hearing to consider a Notice of Intent by Traditional Concepts, Inc. for the construction of a single family home with associated driveway and connections to municipal water and sewer mains within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 3A Grant Street. Map 523, Lot 1. No DEP file number yet.

1. Chris Mossman Trowbridge Engineering represents the project.
2. He explains: Single family house. Up high. Driveway has dip in middle pitched toward swale. Propose silt fence along wetlands. Connections to sewer and water.
3. Freda asks if any other Commission members have questions.
4. Gianakis would like to see wetland resource area flags so no one extends the grass further (encroaching the Wetland). He asks in the as-built can these markers be denoted. Yes is the answer most likely along the tree line.
5. Freda asks if there are any members of the audience who wish to speak on this public hearing.
6. Freda asks again a second and third time if there are any members of the audience who wish to speak on this public hearing.
7. Freda asks if there is any objection to closing the public meeting. There are none. The public meeting is closed as of **8:05 pm**.
8. Bangrazi recommends:

I recommend the issuance of an Order of Conditions along with the standard boilerplate and the following added conditions:

- a. Erosion control placement must be approved by conservation agent.
- b. 24 hour written or verbal notice to Conservation Agent prior to start of work.

- c. No stockpiling within 100' of the wetland.
 - d. All stockpiles must be covered.
 - e. Permanent wetland boundary markers must be placed and maintained along the entire wetland boundary utilizing suitable support post or trees and placed every 40' in order to preserve a 10' minimum buffer from the delineated wetland. Approximate wetland boundary marker placement shall be included on "As-Built" plans.
 - f. Construction entrance must be maintained and swept clean of dirt/debris daily.
 - g. Phosphorus fertilizer use shall be in accordance with the Department of Agricultural Resources 330 CMR 31.00.
9. Brodeur makes a motion for a standard order of conditions with the boilerplate and the agent's recommendations for the construction of a single family home with associated driveway and connections to municipal water and sewer mains within the 100-foot Buffer Zone of a Bordering Vegetated Wetland. Address Lot 3A Grant Street. Map 523, Lot 1. Colombo seconds the motion. The motion is unanimously approved by the Commission.

Regular Meeting

1. Enforcement
 - a. 375 Harvard Street – DEP File #199-781 (Expired 9/13/15)
 1. Bangrazi spoke with DEP and they will be involved with the site visit. A visit will be scheduled. A solid waste person will be coming along as well. Bangrazi will give updates to the Commission as he gets them.
2. Communications, there are none at this time.
3. Minutes
 - a. January 12th, 2016 – there is no quorum, we will hold off until the March 8, 2016 meeting.
 - b. January 26th, 2016 - – there is no quorum, we will hold off until the March 8, 2016 meeting.
4. Old Business
 - a. Sawyer Way silt fence that had fallen in. Has it been repaired asks Colombo. Yes says Bangrazi.
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
 - a. MACC conference is March 5th (Sat.) get your registration in.
12. Next Meeting
 - a. March 8th, 2016. Deadline, February 25th, 2016
13. Adjournment is at **8:25 pm**.



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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