

Conservation Commission Minutes
May 10, 2022
6:00 PM

The Conservation Commission meeting opened at 6:00 PM.

The following Commissioners were present: Chuck Raymond, Elizabeth Ricci-Blair, Michael Cichy, and Richard Gullick, Jeffrey Goyne Present. Others Present: Mark Piermarini

Pursuant to MGL Chapter 131 Section 40. the Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a public hearing on a notice of intent regarding the construction of a garage at 1343 central street map and parcels 499-39 DEP Number: 199-1153.

The continued public hearing opened at 6:00 PM. David Sadowski, the principal engineer of DJ and Associates, represented the project. He explained the applicant wanted to build a private garage, not intended to be used for his dentist's office or business. It will be used to house a motorhome and also antique cars. It is a commercial filing because it is in a commercial zone, but the intended use is for the private storage of the personal vehicles of the applicant. It is currently lawn; the applicant invites the Commission to participate in a site walk on the property.

The foundation will be put in. There's going to be a footing that will go all the way around the cross wall. It will be a slab construction for the private garage. The garage will be pre-manufactured. The roof drain and the drain from the new area that's going to be used for the finished grading for this slab to level. There'll be a holding basin built in the back that was depicted on the plans. We've done calculations; we did the dep stormwater checklist we submitted electronically to the town and to DEP. Mia was the DEP contact. she issued the file number on it, and along with that, we did uh storms up to the 100-year frequency. We'll be able to handle that with this swale area that we have, so we have two a ten, 25, and 100, and this area is capable of handling all four of those.

We have somewhat of a little bit of a small stone wall section that will hold up the grading; other than that, everything will stay 25 feet from the wetlands. The wetlands were flagged. We saw some of the flags on our field visit, and the actual intermittent brook is even further out than the wetlands. There's a ring of straw wattle with habit with silt fence that's proposed to be five feet away from where the wall construction will be. There won't be any disturbance past the wall area.

Mr. Raymond asked if Mia had any questions the applicant needed to address.

Mr. Sadowski informed the Commission that she did have a couple of things. One was that all the areas outside where we're going to disturb should try to remain the same

type of vegetation that it is now. Meaning that it would be able to absorb or do whatever it did to help the brook, and the other one was to make sure the safeguards were in place before the construction started. The last one was she has to explore the idea that this roof drains, instead of being piped down into here, maybe come as a swale so that they could have some type of a recharge value. Anything coming off the roof is clean water, and if it does go down a swale, it's just going to bring up silts and other stuff and bring that down into the basin, and once the bottom of the basin gets full of silt, it won't act as a recharge area won't be able to percolate to the ground, so I really think the piping of the roof is the best idea for that. I can see if it was a broke from somewhere, and you know we proposed piping, and that would be wrong, but as far as clean water going right down and recharging into a basin, I think that'd be the most effective means of disposing of the water from the roof and the snow melt off.

Mr. Raymond asked if he replied and gave Mia that opinion.

Mr. Sadowski said no.

Mr. Raymond asked if there was any type of maintenance plan for the swale.

Mr. Sadowski informed the Commission that there is an operation maintenance plan.

Ms. Ricci-Blair asked if the DEP rendered those comments as requirements or suggestions.

Mr. Sadowski explained that they were suggestions.

It was requested that the applicant review them and think them over carefully.

Mr. Raymond opened the public hearing to comments from the public. No one spoke. The public hearing was closed at 6:10 PM.

Mr. Gullick made a motion with the standard conditions to accept the notice, including the plantings. The motion was seconded. The motion was carried unanimously by a vote of 5-0.

Pursuant to MGL Chapter 130 Section 40 of the Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a public hearing on a notice of intent regarding the construction of a solar energy storage system, including associated utilities and driveway. Map and parcels 500-2 DEP file number 199-1151.

The public hearing opened at 6:10 PM.

Chris, an engineer, represented Devco LLC for the construction of a solar energy system on Willard Street. Mr. Goyne recused himself from the vote while reserving the

ability to participate in the discussion portion of the hearing. Chris explained that the project is for a battery storage system to be comprised of eight concrete pads with battery units placed on top of them. Access will be provided off of Willard Street via 20-foot wide gravel access drive. Stormwater for the site will be directed towards a small rain garden located on the property to provide compliance with stormwater management regulations. The wetland areas are isolated to a few small non-jurisdictional wetlands located throughout the property, which are more just potting areas that have just developed over the course of time. The site has been historically utilized as a dumping ground. There's a large foreign vegetative wetland that encompasses the mass majority of the property that has its corresponding buffer zones. Effectively we're not doing any additional work zone within the wetland itself. The Commission went on a site walk about a week ago or so.

The Commission confirmed that there would not be any liquid batteries on site.

Mr. Raymond opened the public hearing for public comment. No one spoke. The public hearing was closed at 6:15 PM.

Mr. Gullick made a motion to approve the notice of intent. Ms. Ricci-Blair seconded the motion. The motion was carried unanimously by a vote of 4-0 (Mr. Goyne recused himself).

Pursuant to MGL Chapter 131 Section 40 of the Wetlands Protection Act, the Leominster Conservation Commission will hold a public hearing on a notice of intent regarding the riverbank stabilization along the south bank of the Nashua River address 230 Commercial Rd map and parcel 90-572-1 DEP 199-1152.

Adrienne Duncan of GTA Geo Environmental represented the applicant. She explained that she came before them in March, and they did not have a file number at that time and were still waiting on our dep comments. Since then, they had a site visit in March with the Commission, and they received their DEP file number in early May. They provided a response to the Commission.

The response included are specific topics. The first question from DEP a question about if this project will cause additional or increased bank erosion downstream of the project or across the river. The answer to that is no. Downstream of the project is rip-wrapped already; this is the only portion that they're proposing to armor that's not currently armored in this reach. In terms of impacting the bank on the other side, it also will not because they're not changing the direction of flow; we're not going to kick the flow back across the river, so that is not a concern on the other bank.

The next question was a request to include a monitoring plan for invasive species with particular attention to Japanese knotweed. They would absolutely understand for the Commission to include that as a condition and would comply. They propose that for the two years of restoration monitoring, they would conduct monitoring during the growing season, and during that monitoring event, they would either cut or

hand pull observed invasive species so that they don't get established; if they have become established since the last monitoring event, the city will work with a licensed herbicide applicator to treat a larger population, but the intent is to really nip it.

The next three questions were about other permitting requirements. They asked if they needed Nepa; they do not they don't exceed a threshold. They indicated that they might need chapter 91. Bank stabilization is an exempt activity. They will be notifying the chapter 91 office prior to work, and then they will need and are working on obtaining a 401 individual water quality certification, and if the Commission would like, they are happy to copy them on that either submission or receipt of that permit.

Mr. Raymond asked if anyone from the public wanted to speak regarding the public hearing. No one spoke. The public hearing closed at 6:22 PM.

Mr. Gullick made a motion to approve the notice of intent and include providing us with the water quality certification and don't cut the Japanese now; just keep it out there, so there is this one nice clean spot.

Ms. Ricci-Blair seconded the motion. The motion was carried unanimously by a vote of 5-0.

Pursuant to MGL Chapter 131 Section 40 of the Wetlands Protection Act, the Leominster Conservation Commission will hold a public hearing on a notice of intent regarding the construction of a garage with associated driveway and site grading 27 elm street map and parcels 121-5.

This public hearing was continued to the next meeting.

Certificate of Compliance

90 Lakeshore Drive DEP 199-1107

Mr. Piermarini informed the Commission that he went and looked at the site, and it looks fine.

96 Exchange Street

DEP file number 199-1061 with an extended expiration date of July 3, they're supposed to go out and redo their erosion controls. Mr. Piermarini needs to walk the site to check it.

Enforcement

803 Pleasant Street

Correspondence from the current owner's attorney passed cease and desist orders. Have not heard back anything further yet.

1775 Locke Drive

Work within 200-foot riverfront area parcels 323-1 and 323-13. A cease and desist was sent. The owner said he'd do whatever we asked, but Mr. Piermarini also told planning and building because outside of our resource area buffer zones. It's also in a flood plain.

North Street parcel is 297-27 and 297-28 Hughes Group Corporation

Tree removal within 200 feet of wetlands. Cease and desist order sent. The owner who was present gave an explanation of what was going on with the parcel and gave permission for the Commission to enter the property and perform a site walk. There are issues with the water and flooding.

Orders of Conditions

The Commission approved all three orders of conditions.

Ms. Ricci-Blair made a motion to adjourn. Mr. Goyne seconded the motion. The motion was carried unanimously by a 5-0 vote. The meeting adjourned at 7:00 PM.