

City of Leominster Conservation Commission - Meeting Minutes  
June 13, 2023

The meeting opened at 6:03 PM.

Vice Chair Richard Gullick, Jim Chambers, Mike Cichy, Bob Sicard, Kren Ridlon, and Conservation Agent Nick Kremp present.

**Certificate of Compliance -**

**74 Sheldon Hill Drive (DEP File #199-1132)**

Mr. Kremp explained that both file numbers are tied to the same retaining wall extending along the backyard of the two neighboring houses. Mr. Kremp inspected the wall on both properties and recommended that the Commission issue a complete certificate of compliance for both file numbers.

Mr. Cichy made a motion to issue a complete certificate of compliance to DEP File #199-1132. Mr. Chambers seconded. Motion passed 4-0.

**62 Sheldon Hill Drive (DEP File #199-1133)**

Mr. Chambers made a motion to issue a complete certificate of compliance to DEP File #199-1132. Mr. Cichy seconded. Motion passed 4-0.

**Pursuant to MGL CH 131 § 40, Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a Public Hearing on a Notice of Intent for the construction of a single-family house and associated site work in a wetland buffer zone and riverfront area of Monoosnoc Brook. Address View Street (Lot 1), Map and Parcel 123-14-1 . DEP File # not yet assigned.**

Mr. Carl Dimassa, property owner, presented on the project. Mr. Kremp summarized the history including Mr. Dimassa's interactions with the previous agent and her alleged verbal permission to clear the land prior to filing an NOI.

Mr. Chambers asked a question about how much impervious surface was to be added with this project. Mr. Kremp was unable to find that figure in the NOI package but read the riverfront area (RFA) of proposed alteration which was 400 square feet for the inner RFA and 9100 square feet for the outer RFA.

Mr. Sicard made a comment that the area was already largely disturbed but he generally liked the plan.

Mr. Ridlon made a comment that a terraced hillside would be better for stormwater and drainage of the site rather than a single, 17- foot retaining wall as presented. Mr. Dimassa agreed with this.

Mr. Chambers asked about the road and associated infrastructure and asked who was responsible for that area. Mr. Dimassa answered that he is under no obligation from the City to maintain that since it is an accepted street since 1949 but he would be willing to help with whatever work needs to be done to get his house built.

Mr. Cichy asked if Mr. Dimassa plans to terrace the slope anyway, would he be willing to return with a redesign? Mr. Kremp recommended that he do this if that is in fact his ultimate plan. Mr. Dimassa agreed to return with a redesign at the next meeting.

Mr. Ridlon made a motion to continue the hearing until Mr. Dimassa was able to return with a new design showing the terraces behind the house and until a time that DEP had issued a file number and comments. Mr. Sicard seconded. Motion passed 5-0.

**Pursuant to MGL CH 131 § 40, Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a Public Hearing on an Amendment to an existing Order of Conditions for a single-family house with a patio and aboveground pool and associated site work in a wetland buffer zone and riverfront area of Monoosnoc Brook. Address 27 Cherry Street, Map and Parcel 125-9 . DEP File #199-1102.**

Mr. Chris Anderson of Hannigan Engineering presented on the amendment. Brian LeBlanc, property owner, was also in attendance with his wife and two young daughters. Mr. Anderson stated the purpose of the original NOI was to construct a new house in the general area of the original house which has since been demolished. The property predates the Wetlands Protection Act and is subject to relief from the Riverfront Act. Resource areas on the property include Monoosnoc Brook and associated bordering vegetated wetlands. The Commission approved 1850 square feet of riverfront area in the original order of conditions. The house construction and site grading is essentially finished at this point. The applicant would like to modify the final layout of the porch to accommodate an above-ground pool of the back of the deck. The alteration to the riverfront area increased to 4200 square feet. Mr. Anderson stated that since the parcel was created prior to the riverfront area, the Commission is allowed to approve up to 5000 square feet or 10% of the riverfront area of the site.

Mr. Kremp asked Mr. Anderson to clarify some of his comments about exemptions from the Riverfront and Wetlands Protection Acts. Mr. Anderson clarified that the property is not exempt but that there are certain allowances available. Since the lot predates the Riverfront Act, it is released from certain restrictions as long as it meets certain standards such as maintaining the 100-ft inner RFA.

Mr. Chambers asked if the patio area has expanded in the amendment. Mr. Anderson said that it had slightly increased. Mr. Chambers asked if there were concerns among the Commission with backflushing and the location of the pool in the bufferzone. There was a short discussion on pool maintenance which ended with no special conditions on

pool maintenance beyond existing restrictions in the Wetlands Protection Act and the Leominster code of ordinance prohibiting pollution.

Mr. Cichy made a motion to accept the amended order of conditions for DEP file #199-1102 as presented. Mr. Chambers seconded. Motion passed 5-0.

### **Continued Hearings**

**Pursuant to MGL CH 131 § 40, Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a Public Hearing on a Notice of Intent for tree removal, construction of a coop, and associated machine work. Address 445 North Street, Map and Parcel 289-1 . DEP File #199-1173.**

Shortly before the previous hearing, it was discovered that a portion of the work being filed for was on an adjacent parcel not owned by the applicant, Mr. Simoes. The adjacent property's owner, Alan Quatrale, was contacted by Mr. Kremp and put in touch with Mr. Simoes to determine the future of the site. Mr. Quatrale spoke with Mr. Simoes and sent the following statement to Mr. Kremp and Mr. Simoes via email on June 12, 2023:

“All, to sum up a bit. Whatever was placed on my property has to be removed. What impact he created as to your concerns need to be addressed and not impact any future development/value of my property. I still need to know zoning/boundary limitations (letter) from the coop, if any, from the building/Board of Health Departments. Who gives the permission to install a coop with chickens in Leominster. Again, I really have no idea about chickens/coop. How does my land get protected from the chickens? I am planning to visit the site in July. I did offer the land for sale or even partial with all costs at his expense as the parcels are on one deed. If possible I would like to have pictures that can be attached to this email in its current state as I cannot get there until July. Thank you.”

Mr. Kremp stated that he will reach out to Mr. Simoes regarding Mr. Quatrale's last message and push for a final proposal including removing the alterations from Mr. Quatrale's property.

Mr. Sicard made a motion to continue the hearing until June 27 or until Mr. Simoes is able to present a revised NOI. Mr. Ridlon seconded. Motion passed 5-0.

### **Goat rental for Boutelle meadow**

Mr. Kremp summarized the history of getting in touch with the owner of Lunenburg Goat Rental, Tammy Hebert, and his meeting with her at Boutelle Area Conservation meadow on June 12. According to her, the area of the meadow was too large for goats to effectively graze down as a method of weed removal. Additionally, the cost of electrical fences to confine the goats would be prohibitively expensive when applied to the whole area. The idea of goat hikes being incorporated into the Conservation led community hikes in the future remained open and Mr. Kremp agreed to look into that possibility.

## **Extension Permit -**

### **Hillery Road, 7A lot**

The owners, Diane Peralta and Raymond Hoy, had requested an extension on the order (DEP file #199-1) they possess for the construction of a single-family house in the buffer zone of an intermittent stream. The expiration date of this order is April 27, 2024 but the owners would like a preemptive extension due to continued issues to secure a contractor for the work resulting from the uncertainty of the stormwater issues at 60 Harwood Terrace. Mr. Kremp recommended that the Commission ask for a reflagging of the wetland line before voting to extend the order. The Commission asked Mr. Kremp to do an informal reflagging to confirm and emphasize the existing wetland line which has degraded over the last three years and returning on June 27 with a recommendation for the Commission.

## **Communications -**

### **Restarting investigation with DPW on Monoosnoc Brook E. coli**

Mr. Kremp summarized the history of Sean Comeau at the Leominster Department of Public Works working with the previous agent, Angela Chebuske, to determine the source of E. coli spikes in the Monoosnoc Brook. These discussions stopped when Ms. Chebuske resigned last year until earlier this month when Mr. Kremp reached out to DPW on Mr. Raymond's request. From previous testing, Mr. Comeau believes that the source is somewhere around the area of the building at 85 Water Street.

## **Enforcement -**

### **546 Prospect Street violation notice**

Mr. Kremp has received a report from an anonymous tip that someone appeared to be doing machine work in a wetland buffer zone at 546 Prospect Street. Mr. Kremp drove to the location and observed several landscape vehicles in the buffer zone of 4 ponds which had been stripped bare of vegetation except for several larger trees and many small stumps at the perimeter of the ponds. This area also overlapped with the riverfront area of a small stream. Mr. Kremp spoke with the owner, Mr. Mark Latino, who had contracted the work and claimed that he wished to restore the area back to its original state with grassy lawn up to the current limit of clearing. He ultimately wished to restore the piping which connects the hydrology of all the ponds which has collapsed and ceased functioning leading to extensive flooding in a portion of Mr. Latino's lawn. Mr. Kremp explained the proper permitting process to Mr. Latino who apologized for acting improperly and recommended to Mr. Latino that since the landscapers had finished

clearing, that he allow them to reseed the area with grass to help restabilize the area. Mr. Latino agreed to file an NOI for any further work around the ponds or stream.

### **New Business -**

#### **Next hosted conservation walk at Prospect Street, July 8**

Mr. Kremp announced that he will be hosting another community nature walk at Prospect Park focused on wetland indicator plants.

### **Budget -**

#### **Wetlands Protection Fund**

Mr. Kremp announced that the Commission has access to this fund which receives the municipal share of filing fees from wetland permitting. The total in this account has approached \$100,000 so Mr. Kremp recommended that they pay for a third-party review of the stormwater issues at 60 Harwood Terrace and any other issues which call for it in the future.

### **Meeting Minutes -**

#### **May 9, 2023**

Dr. Gullick stated that he was unable to access editing on the drive file so he presented Mr. Kremp and the Commission with a hard copy printout with his edits and asked Mr. Kremp to incorporate his edits on the draft before they vote to accept the minutes at a later meeting.

#### **May 23, 2023**

Dr. Gullick was unable to access the file and asked to postpone a vote to accept them until after he gained access to it.

### **Adjournment**

Mr. Ridlon made a motion to adjourn the meeting. Mr. Sicard seconded. Motion passed 5-0.