

City of Leominster Conservation Commission - Meeting Minutes  
June 27, 2023

The meeting opened at 6:01 PM.

Chair Chuck Raymond, Vice Chair Richard Gullick, Stephanie Quinlan, Jim Chambers, Mike Cichy, and Conservation Agent Nick Kremp present.

**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.**

Carl Dimassa, property owner, presented on the project. Mr. Dimassa showed and described the revised design showing a series of terraces and retaining walls rather than the single, 17-foot high wall originally presented on June 13. The new plan does not require any additional clearing beyond what has already taken place.

This NOI shows the 36,800 square feet of total riverfront area on site, 9,500 square feet is being proposed which is greater than 10% allotted by the Riverfront Protection Act.

Mrs. Quinlan suggested we consider the potential of this lot being further subdivided in the future. Mr. Kremp responded that the Commission should not consider hypotheticals beyond what is being proposed and any further alterations be considered at such a time that they come before the Commission.

The Commission and Mr. Dimassa agreed to an additional site visit on either July 10th or 11th to be scheduled by the agent after the meeting.

Dr. Gullick made a motion to continue the hearing until the next meeting. Mr. Cichy 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 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.**

Without the Chair officially opening the hearing, Mr. Kremp gave a brief summary of the last several weeks of communications with Mr. Simoes and the adjacent property owner Mr. Quatralo. The Commissioners present were reminded to review videos of continued hearings which they've been absent from.

**Extension Permits - Hillery Road, 7A lot**

Mr. Kremp presented a site plan from the existing Order of Conditions (DEP File #199-1126) with the approximate location of the flagging that Mr. Kremp hung during his review of the site marked in blue.

Mrs. Quinlan raised a concern that given the location of the intermittent stream on the site any proposed structure could be vulnerable to the stormwater issues which led to the third-party review of the stormwater analysis of the abutting 60 Harwood Terrace.

Dr. Gullick made a motion to extend the order of conditions (DEP file #199-1126) for an additional three years past its current expiration date. No one seconded and the motion didn't carry.

Mr. Kremp agreed to check on:

- the obligations of the Commission in approving or denying an extension for an existing order.
- The standards of other city departments (Health, DPW) in their permits for this site.

### **Harwood Terrace mitigation consultants**

The Commission reviewed proposals for services from John Bobrek and Dr. Bruce Jacobs to review the site and stormwater analysis for 60 Harwood Terrace (DEP File #199-1147). Mr. Raymond questioned the absence of any reference to DPW in Dr. Jacobs's proposal. Dr. Gullick argued the necessity of DPW involvement as the aim of the review should be focused on the site of 60 Harwood Terrace, not to address the larger issue of the stormwater issues on Hillery Road.

Mr. Kremp pointed out the proposal from John Bobrek was solicited by this agent while Dr. Jacobs' proposal was solicited by City Councilors Angelini and Bodanza which might have led to the different focus of the two proposals.

Mr. Kremp read a statement from Councilor Bodanza:

“Nick

Thank you for the opportunity to voice my support for Mr. Jacobs' proposal. As you are aware both me and Councilor Angelini have spent considerable time searching for the best possible professional to address this problem. I have personally not only interviewed Mr. Jacobs and toured the site with him but I have also interviewed highly respected peers of Mr. Jacobs. I can assure you that this is the worst constituent problem I have ever encountered in my nearly ten years

on the city council. The Commission will be greatly aided in its discharge of responsibility regarding this storm water problem with a skilled professional.

I am aware there is a cost difference between the two proposals but please bear in mind that Mr. Bobrek's submittal suggests that the scope of work is yet to be fully developed. For example, bullet point two indicates, "Attend meeting with Conservation Department staff to discuss specific City concerns to be addressed in the review."

I should further clarify that our purchasing agent, Mr. Chapdelaine has confirmed that both proposals are exempt from the procurement law because they are for licensed engineering.

Both myself and Councilor Angelini truly appreciate the efforts of yourself, the Commission and of course the Mayor in furthering the process toward a solution to this very serious problem for all involved.

Sincerely,

Mark Bodanza

Ward 4 City Councilor"

Mr. Cichy stated that he believed that the Commission is responsible for upholding the stormwater ordinance as has been emphasized by the Councilors. To this end, Mr. Cichy believed the Commission should select Dr. Jacobs due to his credentials and his endorsement from Councilors Angelini and Bodanza.

Dr. Gullick stated that although he was impressed with Dr. Jacobs' credentials, his proposal was "just in the wrong direction." He stated that with respect to the Councilors, it wasn't necessarily appropriate for someone outside of the Commission to bring an engineer's proposal in that it has led to a misdirection in project objectives.

Mr. Raymond suggested that the Commission, through Mr. Kremp, send the two engineers a single request for a quote for services including a specific list of what the Commission wants, with the focus being on the NOI for the Harwood Terrace property and what led to the violation, rather than including the larger Hillery Road drainage issue at this time.

Dr. Gullick requested the Mr. Kremp check on the legal situation as he was growing uncomfortable with the process of requesting multiple requests from consultants and asking them to revamp their proposals to more closely match another consultant's

proposal. Mr. Kremp agreed to make sure they are acting in a proper and legal manner as they proceed.

Mr. Kremp agreed to draft a proposal, which he will share with the Commission before sending a final Request for Proposals (RFP) to potential consultants by that Friday (June 30).

### **Monoosnoc Brook E Coli**

Mr. Kremp updated the Commission stating that he had found the owner of 85 Water Street's name (Anthony Mazzaferro) but hasn't been able to make contact with him. He will continue to work on getting in touch with him to gain access to the property for the Leominster DPW to do E. coli testing and find the source of elevated E. coli in Monoosnoc Brook.

### **Meeting Minutes -**

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

Mrs. Quinlan made a motion to accept the minutes with edits as they appear on the drive for May 23, 2023. Mr. Chambers seconded. Motion passed 5-0.

#### **December 13, 2022**

Mrs. Quinlan made a motion to accept the minutes with edits as they appear on the drive for December 13, 2022. Dr. Gullick seconded. Mr. Chambers abstained. Motion passed 4-0.

### **Adjournment**

Mr. Cichy made a motion to adjourn the meeting. Dr. Gullick seconded. Motion passed 5-0.