

Leominster Conservation Commission Meeting  
6:01 pm, August 8, 2023

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

### **New Hearings**

**Pursuant to MGL CH 131 § 40, Massachusetts Wetlands Protection Act, the Leominster Conservation Commission will hold a Public Hearing on a Request for a Determination of Applicability for the replacement of a gas main and associated site work in a wetland buffer zone of an intermittent stream. Address 816 Pleasant Street, Map and Parcel 490-15A.**

Patrick McCarty, 816 Pleasant Street, presented on the project. The house is currently heated by oil. Mr. McCarty and his wife would like to transition to natural gas heat. This would require a new gas line put in from the street and running parallel to the stream flowing along the south of the property. A mini-excavator is proposed for digging the trench and installing the line. Erosion controls will be installed and remain through the entirety of the work.

Mr. Chambers made a motion to find a negative 3 determination with the conditions that erosion controls be used for the duration of work and the agent is notified prior to start of work. Mr. Cichy seconded. Motion passed 4-0.

### **Certificate of Compliance - 1281 Central Street (DEP file #199-849)**

Mr. Kremp explained that the construction of the industrial building which was permitted on this order was never started.

Mr. Cichy made a motion to issue an invalid certificate of compliance reflecting that the work was never done. Mrs. Quinlan 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 two commercial buildings and a parking lot in a wetland buffer zone. Address 1281 Central Street, Map and Parcel 500-6-2. DEP File #199-1179.**

Patrick McCarty, McCarty Engineering, presented on the project representing the applicant, New England Style Inc. The detention basin at the back of the site accepts stormwater from this parcel and the neighboring Jehovah's Witness Kingdom Hall. This basin was designed with the development of both parcels in mind and can accommodate the stormwater from both sites post-development. Commercial buildings proposed for the site will be tied into City sewer. There was some discussion about impacts from road salt and oil products leaking onto the area. Although there may be some impacts from both, the site design presented is consistent with pollution prevention and stormwater standards commonly permitted in Massachusetts.

Mr. Chambers made a motion to approve an order of conditions with the Commission's boilerplate special conditions. 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 replacement of a dock. Address 159 Grant Street, Map and Parcel 474-3815. DEP File #199-1181.**

Caroline and Bill Zumwalt, property owners, presented on the project. The couple recently moved to Leominster in June and is working to restore the lakeside which they have access to through the Lake Samoset Association. They would like to clear a small walking path from the road down to the lakeshore. The clearing would be limited to oak saplings a few inches in diameter to be cleared with handheld machinery. The dilapidated dock left on the bank will be replaced with a removable, floating dock in the same area. No aquatic vegetation will have to be clear. Mr. Kremp confirmed that he had spoken with Mike Vallee of the Lake Samoset Association and that the Association is aware of the proposed project and are in approval of it.

Mr. Chambers made a motion to approve the order of conditions. 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 21-unit apartment building in the wetland buffer and riverfront area of Fall Brook. Address Brooks Pond Road, Lot 8A, Map and Parcel 317-5D-1. DEP File # not yet assigned.**

Chris Anderson, Hannigan Engineering, presented on the project. A new apartment building is being contracted as a part of this project, with some of the soil grading associated with that building extending into the riverfront area. Most of the work under the Commission's jurisdiction consists of improvements and expansion of the existing detention basin in the riverfront area which accepts stormwater from the proposed building site as well as another proposed building to come before this Commission in a future NOI. 19,315 square feet of improvements are proposed. However, improvements associated with stormwater management features are exempt from the Riverfront Protection Act if there are no viable alternatives. The basin will have a capacity 33,000 cubic feet larger than it currently has.

Mrs. Quinlan made a motion to approve the order of conditions for the project on lot 8A on Brooks Pond Road upon release of the file number from MassDEP. 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 Request for a Determination of Applicability for the replacement of a stone retaining wall and steps in a wetland buffer zone. Address 59 Revolution Drive, Map and Parcel 395-66.**

Chris Anderson, Hannigan Engineering, presented on the request. The property abuts Distributing Reservoir. There is a patio with associated stone wall, which in turn supports a raised deck above the patio. The stone wall has deteriorated and needs to be replaced to be structurally sound. The backyard extends around 20 feet from the back of the patio where the rest of the riverfront area extending down to the reservoir and stream is heavily forested.

Mr. Cichy made a motion to find a negative 3 determination with the conditions that erosion controls be used for the duration of work and the agent is notified prior to start of work. Mrs. Quinlan seconded. Motion passed 4-0.

### **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.**

Phil Simoes, the homeowner, had a scheduling conflict and was unable to attend the meeting. Mr. Kremp updated the Commission as to the recent exchanges with Norse Environmental and Mr. Simoes about wetland flagging and the overall project. Mr. Simoes intends to rebuild a smaller chicken coop which he hopes to situate in a similar area of the yard but outside of 50 feet of the wetland lines.

Mr. Simoes is currently working on making an offer to Mr. Quatralo to purchase the adjacent parcel. The outcome of that offer may affect the possibilities for permitting later on.

There followed some discussion as to the permissibility of agriculture in the buffer zone.

Linda Jean Hall, 435 North Street, came to speak in support of her neighbor and his chicken coop. She stated that she doesn't understand the difference between the domestic chickens and the wild turkeys which also roam the area. She also praised the work he has done since moving in to clean up the property which used to be covered in junk.

Jennifer Thornton, formerly of Leominster, repeated the praise that Mrs. Hall gave and also reported a dumping area up F & L Road. It seems to her that this should be at least of equal concern to the Conservation Commission.

Mrs. Quinlan made a motion to continue the hearing until August 22. Mr. Chambers 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 #199-1180.**

The comments from MassDEP had referenced portions of the MA Wetlands Protection Act 310 CMR 310 10.58(4)(d)(1), which reads, "Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before October 6, 1997..."

However, they point out the provision laid out in 310 CMR 10.58(4)d(3), which reads "Notwithstanding the provisions of 310 CMR 10.58(4)(d)1. or 2., the issuing authority shall allow the construction of a single family house, a septic system if no sewer is available, and a driveway, on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1. or 2., provided that: a. The lot can be developed for such purposes under the applicable provisions of other municipal and state law; and b. The performance standards of 310 CMR 10.58(4)(d) are met to the maximum extent feasible. In difficult siting situations, the maximum extent of yards around houses should be limited to the area necessary for construction. Except where the lot contains vernal pool habitat or specified habitat sites of rare species, a wildlife habitat evaluation study shall not be required."

Mr. Kremp then recommended that the Commission approve the order for the construction of a single-family house as opposed to a duplex which was originally proposed on the condition that the 400 square feet of inner riverfront area which has already been altered be reseeded with a shrub mix and allowed to revegetate.

Mr. Chambers made a motion to approve an order of conditions for the modified plans which were presented at this meeting with the added condition that the 400 square feet of inner riverfront area be revegetated with a native seed mix. Mr. Cichy seconded. Motion passed 4-0.

**Extension Permits -  
122 Water Street (DEP file #199-1113)**

The applicant has made some modifications to the original order to swap areas of impervious surface while reducing the overall impervious area.

Mr. Cichy made a motion to extend the existing order of conditions to a new expiration date of November 7, 2024. Mr. Chambers seconded. Motion passed 4-0.

**Communications -  
Hillery Road, lot 7A**

Mr. Kremp relayed a communication he had with a potential contractor who was looking to buy the lot and start building off the existing order. Mr. Kremp will keep in touch with the Commission as he hears more.

**Enforcement -  
Harwood Terrace Bobrek site walk, August 1**

Mr. Kremp summarized a site walk from August 1 with property owner Josh Brennecke, Chris Anderson (Hannigan Engineering), Vice Chair Dr. Gullick, and John Bobrek (Bobrek Engineering). Mr. Bobrek was out of town at the time of this meeting but will be in touch next week about the progress of the analysis.

**New Business -  
Conservation community walks on August 24 and August 26  
Open seat on Conservation Commission**

Mr. Kremp gave a brief description of the two upcoming community walks.

**Meeting Minutes -  
October 25, 2022**

Mrs. Quinlan made a motion to accept the minutes as they appear on the shared drive with edits. Mr. Cichy seconded. Motion passed 4-0.

**Adjournment**

Mrs. Quinlan made a motion to adjourn the meeting. Mr. Cichy seconded. Motion passed 4-0.

Meeting adjourned at 7:53 pm.