

Leominster Conservation Commission Meeting
6:02 pm, August 22, 2023

Stephanie Quinlan, Bob Sicard, Vice Chair Richard Gullick, Chair Chuck Raymond, 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 car wash facility and associated site work in a wetland buffer zone and riverfront area of the North Nashua River. Address 468 Main Street, Map and Parcel 241-2 . DEP File #199-1182.

Sam Malafonte, presented on the project. The site is a former gas station which had burned down several years ago. The site has since been cleaned and the underground gas storage tanks removed in 2022. Subsequent testing has shown contamination well below acceptable levels.

They are proposing a carwash facility with associated vacuum stations. The area of work crosses into the riverfront area of the North Nashua River as well as the buffer zone of a nearby wetland at the toe of slope below the site. Like most modern carwashes, the design includes a three tank system, each tank with a 2000 gallon capacity and an oil and grit separator as required by DEP, before draining the water into the City sewer system. All water used in the washing process that cannot be recycled will be disposed of through this system.

Mrs. Quinlan made a motion to approve an order of conditions for the project presented under DEP file #199-1182. Mr. Sicard 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 residential garage addition in a wetland buffer zone. Address 277 Joslin Street, Map and Parcel 564-10A . DEP File # not yet assigned.

Ellen P of 277 Joslin Street presented on the project. She would like to add a small porch across the front of her house with an addition consisting of a small sitting room and two car garage off the back of the house. The existing grade will no be altered much to bring the addition to level. The project is entirely in the buffer with no alteration to the wetland area itself. No tree cutting necessary, the proposed garage addition is currently lawn.

M suggested motioning for a vote even though the file number and comments from MassDEP have not been issued so that Mrs. P may be issued the order as soon as the number is released. Mr. Kremp cautioned against this as a rule to maintain consistency and allow MassDEP to issue comments even when they are unlikely to raise additional concerns and recommended that the Commission wait to vote .

Mr. Sicard made a motion to approve the order of conditions for the project presented contingent upon receiving a DEP file number. Mrs. Quinlan seconded. Motion passed 4-0.

Regular Meeting

Communications -

Nashua River Stabilization Project update

Mr. Kremp gave a brief update and reported that the project is progressing with more rip rap being placed everyday.

Enforcement -

Mechanic Street, tree clearing in riverfront area (Map and parcel 372-3)

Mr. Kremp related communications he had received the week before about plans to develop the parcel in the riverfront area but with no more information than that. The following day, a separate person told Mr. Kremp that there was active clearing of the site, at which point Mr. Kremp drove down and found a man with a private tree company finishing up a clearcut of the parcel excepting a 50-100 foot buffer on the river bank. There was wetland flagging observed along wetland areas which had been untouched, but with buffer zone and riverfront disturbance coming up to the flag line in some spots with no erosion controls installed. Mr. Kremp told the tree company man to finish picking up the logs he had for that day, which had all been cut and piled up at that point, and to cease all work on site until the owner was able to get the proper permits. Mr. Kremp was able to get in touch with the owner, Mr. Guido Digiovanantonio, through the tree company and issued him a violation notice for the clearcutting. Part of that violation notice required him to place erosion control barriers, which he has in the form of hay bales and that he appear before the Commission at this meeting. He has come ready to discuss his plans for the site and/or restoration of the site.

Mr. Digiovanantonio related the history of his involvement with the site. He recently bought the property with plans to develop it but with no specific plans. In preparation for this, he hired the contractor that Mr. Kremp had met on site to clear the area, which was previously completely wooded. He had also hired Matt Marro of Matthew Marro Environmental Consulting, to flag the wetlands on the property. Mr. Digiovanantonio misunderstood the wetland regulations to be that he could do work up to the wetland flagging and only had to file with Conservation when constructing the building itself, not the prep work.

Mr. Digiovanantonio agreed to work with an engineer of his choice in the development of either a notice of intent or a restoration plan depending on the applicant's immediate plans for the site, by the meeting on September 26.

Dr. Gullick made a motion to continue the hearing until the meeting on September 26, at which time the Commission expects to receive an NOI or restoration plan filing. Mrs. Quinlan seconded. Mr. Sicard voted no. Motion passed 3-1.

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.

Mr. Kremp summarized the history of this project and the Commission's involvement with it, including the advice of the previous agent and the apparent misunderstanding that resulted from this and led to the work being done without wetland permitting. Furthermore, it was found that much of the work done in the wetland resource, was actually a neighboring parcel which does not belong to the applicant, Mr. Phil Simoes.

Mr. Simoes stated that he would be willing to remove the alterations from his neighbor's property including the raised garden bed, the fire-ring and patio, . He also expressed that he wished to build a fence. Mr. Kremp told him that fences typically fall under exemptions.

Mrs. Quinlan made a motion to approve the order of conditions with the following conditions:

1. All alterations, including but not necessarily limited to the raised garden bed, the fire pit and patio, slab of concrete spanning the stream, are to be removed from the neighboring parcel (Map and parcel 289-22) prior to the expiration of this Order.
2. Construction of a fence along the back property line to separate the lawn area of 445 North Street from the wetland area in parcel 289-22.
3. The concrete pad which once supported a now demolished garage, may be removed from the property and converted into either a patio area or reseeded as grass lawn with at least 48 hours notice to the agent and erosion control barriers are properly installed between the area of work and any wetland resources.
4. Chicken coops and structures housing chickens shall be located at a minimum of 50 feet from any wetland resources. If the chickens currently living on the property are to be moved to a new area more than 50 feet from the wetland, this must be done by May 1, 2024. If they are to be removed altogether, this must be done by December 1, 2023. Failure to address this condition in the specified time may lead to an enforcement order against the applicant.

Dr. Gullick seconded. Motion passed 4-0.

Harwood Terrace update

Mr. Kremp summarized his recent communication with the independent engineer recently hired by the Commission, John Bobrek. He should be finished with the report in a week or two and ready to present his findings at the next meeting.

Meeting Minutes -

July 11, 2023

Dr. Gullick made a motion to accept the minutes as shown on the shared drive with edits.

Mrs. Quinlan seconded. Motion passed 4-0.

July 25, 2023

Dr. Gullick made a motion to accept the minutes as shown on the shared drive with edits.

Mr. Sicard seconded. Mr. Raymond abstained. Motion passed 3-0.

Conservation Nature Walks

The next community nature walks are coming up on August 24 at Johnny Appleseed State Park and August 26 at Barrett Park.

Commission vacancy

Commission candidate

Recent candidate withdrew his request to join, so there is still one open seat. Mr. Kremp will continue to seek new candidates on social media and by word of mouth and encouraged the Commission to do the same.

Adjournment

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

Meeting adjourned at 7:54 pm.