

Leominster Conservation Commission Meeting
6:04 pm, October 10, 2023

Mike Cichy, Jim Chambers, Vice Chair Richard Gullick, Chair Chuck Raymond, and Conservation Agent Nick Kremp present. Stephanie Quinlan present via speaker phone for the first vote.

New Hearings: none

Continued Hearing:

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 #199-1184.

Due to the approval prior to DEP comments and with the support of the applicant, Hannigan Engineering, Inc, Mr. Kremp recommended that the previous vote of approval be rescinded and revisited after discussing the DEP comments on this NOI. This is being done to ensure that incorporation of these comments and the concerns they raise are included in the final NOI.

Mrs. Quinlan made a motion to rescind the vote of approval by the Leominster Conservation Commission for the order of conditions (DEP file #199-1184), which occurred on August 8, 2023. Mr. Cichy seconded. Motion passed 5-0.

The hearing then proceeded with Mr. Bill Hannigan presenting on the project. Mr. Raymond stated that he invoked the Mullen Rule which allows for his participation in this discussion following his review of the video of the previous meeting in which he was absent (8/8/2023). Mr. Hannigan went on to address DEP's comments as they were answered in the letter to the Conservation Agent on October 5. Those comments and responses are included in Conservation's filing for this DEP file number and are summarized as follows:

- 1) Comment: What is the cumulative Riverfront Area (RFA) impacted at this location since 1996?

Response: Total RFA for the Brook Pond Development is 604,448 square feet. Current completed construction along with proposed and upcoming construction total 46,542 square feet or 7.70% of total RFA. RFA alteration on Lot 8A is limited to improvements and expansion to the existing detention basin, which as a stormwater BMP is not included in the RFA calculation.

- 2) Comment: Alternative analyses must be included for RFA alterations but were not included in the original NOI package.

Response: An alternative analysis has been incorporated into this submittal.

- 3) Comment: If seeking redevelopment status, please include how the project complies with 10.58(5)a-e.

Response: Applicant is not seeking redevelopment status.

- 4) Comment: Low-impact development does not include: deep-sump catch basins, proprietary water quality devices, underground storage systems, infiltration basins, and sediment forebays.

Response: No LID credits relative to stormwater are being claimed in this NOI.

- 5) Comment: Total suspended solids (TSS) treatment chain info doesn't appear to show any infiltration basins. Are they being used to treat TSS?

Response: Copies of the TSS Removal Forms were submitted in the original stormwater report. They have been completed exclusively for the proposed new components to account for improvements being made to the treatment chain.

Mr. Chambers asked how the drainage system existing on site handled the rain event on 9/11/2023. Mr. Hannigan stated that the stormwater infrastructure held up with no failures, although the dam below Brooks Pond failed and emptied the impoundment behind it.

Mr. Kremp vouched for the accuracy of the depicted RFA on the site plans even after the major rain event in September.

Mr. Cichy made a motion to close the public discussion portion of the hearing. Mr. Chambers seconded. Motion passed 4-0.

Mr. Cichy made a motion to approve an order of conditions for DEP file #199-1184 with the standard special conditions. Mr. Chambers seconded. Motion passed 4-0.

Regular Meeting

Emergency Certifications -

27 Nashua Street, slope stabilization

Patrick McCarty, McCarty Engineering, presented on the emergency repairs. Following the rain event on 9/11/2023, a large landslide behind 27 Nashua Street eroded away about a 70 feet wide and 100 feet tall section of hillside leading down to the North Nashua River. The edge of the landslide is located about 10-15 feet from the corner of the building at 27 Nashua Street and threatens the neighboring parking area.

Mr. McCarty proposed excavating a temporary ramp through the parking lot down to the river bank to allow machine access to place gabion baskets and crushed stone, top dressed with rip-rap to stabilize the hillside.

Mr. Kremp read some comments from Mia McDonald at MassDEP which suggested improvements to the stormwater infrastructure if the washout was believed to be caused by runoff from impervious surfaces. Mr. Raymond stated that he felt the catch basin and drain pipe address that concern.

Mr. Chambers made a motion to close the public portion of the discussion. Dr. Gullick seconded. Motion passed 4-0.

Mr. Chambers made a motion to approve the emergency certification for the work presented at 27 Nashua Street. Mr. Cichy seconded. Motion passed 4-0.

122 West Street, tree removal

Mr. Kremp described the situation as he witnessed on a site visit on 9/22/23 and as described by the property owner, Ernest Rooney. Street runoff from the flood on 9/11/23 resulted in washout around the roots of several trees between the house and the neighbor's house which now pose a threat of blowing over in high winds. They are proposing Tom Porter Tree Service remove the tree with a crane working from the driveway and leaving the stump and roots.

Mr. Cichy made a motion to approve the emergency certification as described by the agent. Dr. Gullick seconded. Motion passed 4-0.

Certificate of compliance -

0 Research Drive, Map 503-3-5 (DEP #199-1122)

Mr. Kremp related the state of the site as he witnessed on a site visit on August 26, 2023 and as related by Chris Anderson, Hannigan Engineering. The site had been graded in preparation for construction which fell through and never took place. The owner is now looking to sell the property and no longer wishes to build, so is seeking an invalid order of conditions. Mr. Kremp confirmed the state of the site being seeded and grown in with grass and that no construction had taken place.

Dr. Gullick made a motion to approve an invalid order of conditions for DEP file #199-1122. Mr. Chambers seconded. Motion passed 4-0.

Modification to Existing Orders of Conditions

277 Joslin Street (DEP #199-1183)

Mr. Kremp read an email from Ellen Przybyzbewski requesting an addition to the approved order she recently received for a garage addition. She proposes deconstruction and removal of an existing 13'x16' wooden shed to be replaced with an equally sized new shed in a different area of her yard, which is existing lawn.

Dr. Gullick made a motion to approve the modification to existing order (DEP file #199-1183) as presented by the agent. Mr. Cichy seconded. Motion passed 4-0.

Conservation Nature Walks

Fall foliage walk on October 19 at Barrett Park at 4 pm

Mr. Kremp announced the next conservation walk. Information on all past and upcoming walks are available on the City websites and the Leominster Conservation Commission Facebook page.

Meeting Minutes -

August 8, 2023

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

Mr. Chambers seconded. Motion passed 4-0.

August 22, 2023

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

Mr. Cichy seconded. Motion passed 4-0.

October 11, 2022

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

Mr. Cichy seconded. Motion passed 4-0.

Adjournment

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

Meeting adjourned at 7:21 pm.