

**CITY OF FITCHBURG
CONSERVATION COMMISSION**

**MEETING MINUTES
THURSDAY, FEBRUARY 28, 2017**

COMMISSIONERS IN ATTENDANCE: Tracey Sarefield, chair, John Cordio, Dennis DeGara, Mike Donnelly, Harry Karis, John Koutonen (6)

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:00 p.m. at Fitchburg Municipal Airport, 567 Crawford St., Administration Building, Room 106.

Ms. Sarefield read an introduction stating the mission statement of the Commission, and the role & responsibilities of the Conservation Commission and the eight interests of the Wetlands Protection Act.

Minutes

Not ready yet.

PUBLIC HEARINGS

Notice of Intent - Cumberland Farms, Inc., 550 Kimball St.

Mike Howard & Megan Kearns, Epsilon Assocs., Chris Tymula, MHF Design and Atty. Tom Reidy present. Ms. Kearns presented plans. Applicant plans to demolish former McDonald's and construct new 4,800 sq. ft. convenience store with gasoline pumps & canopy. New and updated stormwater management system to be built. Deep sump catchbasins & water quality units ("First Defense" stormwater separator) to be installed. Clean roof runoff will be infiltrated to a trench at rear of building. Prefer to not recharge other site runoff due to possibility of fuel spill getting into groundwater.

Most of site is in Floodplain and Riverfront Area. Re-grading of site is necessary to balance work in floodplain so that no flood storage is lost. Net overall gain of 1,000 cu. ft. of flood storage to be provided. Site is previous developed. There will be a 5,300 sq. ft. reduction in impervious area from existing conditions. They plan to remove trash and invasives on riverbank. Bank will be stabilized with natural plantings & tree seedlings. Several nesting boxes will be installed along top of bank to encourage habitat.

No new discharge points to river. The location of one existing discharge will be pulled back from river and a splash pad installed.

Several Waivers from the setbacks in the Local Wetlands Regulations will be needed:

- 100-foot setback for USTs (approx. 60 feet from edge of wetland)
- 50-foot "No Disturbance" zone (approx. 25 feet from edge of wetland)
- 75-foot "No Build" zone (approx. 66 feet from edge of wetland)

Ms. Sarefield asked if any present were in favor of, or opposed to, the application:

Phyllis Leblanc, Independent Cleaners: Has been there since 1952, had no objections as long as they pick up trash from the Cumberland Farms store.

Commission questions:

Mr. Koutonen: Is there a maintenance schedule for stormwater management facilities?

Yes, Note #17 on site plan referred to the O&M manual. The O&M plan is in the Stormwater Management Plan submitted to the Commission. Also, they will be submitting a SWPPP to EPA and can cc: the Commission on it.

Time frame? 14-16 weeks from start of construction to finish.

Mr. Koutonen: What happens to existing Cumberland's?

Once new building complete, existing store will be decommissioned & pumps canopy & USTs will be removed. They will put site on market.

Mr. Donnelly: Was there any contamination on McD's site? A small amount, which will be disposed of. What was extent of contamination? Mike Howard: Not enough to be reportable.

He explained containment system in case of a fuel spill, attendant has line of sight to the pumps, Positive Limiting Barriers (grooves) in concrete pad, deep sump CBs, water quality units w/ oil/water separators. Life expectancy of tanks? 20-30 years.

There will be a separate filing for removal of tanks on the existing Cumberland's site. Can't just amend OOC since it concerns a different parcel.

Will there be stockpiling on site? Yes, will have erosion controls around any stockpiles, silt sacks in CBs.

Mr. Cordio: On bank restoration, 125 tree seedlings will be interspersed with grasses? Yes.

Mike Howard: They probably won't be able to entirely remove invasives, but will control them and prevent them from encroaching onto the new plantings. They will control intrusion of invasives over two growing seasons.

Mrs. LeBlanc requested that they regularly pick up coffee cups, etc. from site.

Commission requested that as long as equipment is on site, that site contractor haul as much debris from riverbank as possible.

Motion made & seconded to close hearing. Vote in favor.

Motion made & seconded to Approve Order of Conditions. Vote in favor.

Request for Determination of Applicability - Nashua River Watershed Association, plantings in Riparian buffer, 85 Princeton Rd.

Al Futterman, Nashua River Watershed Association and Alex Krofta, Merrimack River Watershed Council presented proposal to plant native trees on a grassy strip along the fence and floodwall adjacent to the Whitman River, on property owned by the Newark Group paper mill (now Carustar). Dana Pelletier, General Manager of Carustar, is in favor of project. Between 15-25 trees 1.5 inch caliper will be planted. They plan to provide a mix of species. Trees will be planted by NRWA, MRWC & volunteers.

Tree seedlings will be protected from beavers with woven mesh sleeves.

The project is part of the "Expanding Riparian Buffers" by the two watershed associations, funded by U.S. Forest Service & Nat'l Fish & Wildlife Foundation.

Ms. Sarefield asked if any present were in favor of, or opposed to, the application. There were none.

Motion made & seconded to close the hearing. Vote in favor.

Motion made & seconded to issue a Negative Determination of Applicability. Vote in favor.

Notice of Intent - Durling, 900 Fisher Rd., new single family dwelling (continued from 1/31/17)

Chris McKenzie, Whitman Bingham & Thea Durling, applicant present.

There was a mix-up on the location of site walk prior to tonight's meeting. Commission and Tim agreed that they still want to check wetlands boundaries in field without snow cover.

Motion made & seconded to continue hearing to Tuesday, March 7th at 5:00 p.m. at the site, site walk first, then continued hearing to be held immediately thereafter on site. Vote in favor.

OTHER BUSINESS:

Proposed Dog Park, Coolidge Park

Nate LaRose, Recreation Director and Sam Squailia, Friends of Fitchburg Dogs provided an update. Since the last time they were before the Commission in October 2016, they have received a grant for design and construction of the Dog Park. 10% is allotted for design. They are working with the city's on-call landscape architectural firm. The grant requires a 10% local match, which has been met & exceeded through fundraising by Friends of Fitchburg Dogs.

Nate: One revision to proposal – entrance to Dog Park will be on side closest to swimming pool, rather than closer to Baker Brook. Friends of Fitchburg Dogs is also fundraising so they can provide free rabies shots and ID chips for dogs.

Timeline? They plan on filing NOI for Commission's April meeting. They will have wetlands & riverbank flagged. Nate will keep in touch with Mike & Tom on this.

Mr. Donnelly wanted to clarify his comments at the last meeting. He is not against a dog park in the city, but he still wants a maintenance plan for all city parks before he will support this.

New info from Mass Fisheries & Wildlife on stream - Westminster Hill Rd

Discussion email rec'd from Mass Fisheries & Wildlife on stream at Game On site. As requested by Paul Gagne, Central Ave. Ext. Mass Fisheries & Wildlife took another look at their info and they have a map showing a stream on the northwesterly side of Westminster Hill Rd. They will evaluate stream this spring/summer, and whether it feeds a cold water fishery.

Commission informed that there has been an Appeal of the OOC issued to Game On filed by Joseph Fournier Westminster Hill Rd. Appeal period expires March 6th. There will be a site visit by DEP on the appeal, date TBA.

Not all Commission members in agreement w/ clarification of Game On special condition #27 concerning phasing. Preferred that phasing plan to be re-drawn to show stockpile areas in each phase.

Encroachments on Conservation Commission land

- John Fitch Hwy., Golden Living Center (Birchwood Manor)

Commission reviewed aerial photo w/ property lines overlaid showing that Golden Living's site driveway and expanded parking area is on a 2 acre parcel given to the Commission by the Rollo family in 1993. In several deeds for the Birchwood Manor parcel, reference is made to a driveway easement, but no legal description of the easement found.

A letter has been sent to the owner of Golden Living Center parcel, requesting attendance at a future Commission meeting to discuss matter. After discussion, Commission agreed they would prefer to sell the encroached-on portion to Golden Living Center. Transferring land held as conservation land will require a 2/3 vote of the Legislature. Commission agreed to refer matter to the Law Dept.

- Crawford St., AKS Recycling

Commission reviewed aerial photo w/ property lines overlaid showing that a portion of the recycling facility on Blueberry Lane encroaches onto ConCom parcel on the south side of Crawford St. Parcel is part of Fitchburg Airport parcel but was leased to Fiore and then his successor. Further investigation whether encroachment was part of the leased area.

Invoices

Commission agreed to pay bill from Monty Tech to cover cost of the AV technician at Thurs. Dec 16th
Commission public hearing for Game On Soccer at Monty Tech's auditorium.

Commission members reminded of MACC Annual Conference at Holy Cross on March 4th.
Contact Mike O'H if want to register & cost will be covered under Wetlands account.

Certificates of Compliance

None

Fisher Rd violation

Mr. DeGara and Tim reported that site on Fisher Rd. that they had walked earlier that day had wetlands violations. Motion made & seconded to issue Enforcement Order to property owner.
Vote in favor.

Motion made & seconded to adjourn. Vote in favor.
Meeting adjourned: 8:08 p.m.

Next meeting: 3/7/2017
Next regular meeting: 3/28/2017
Minutes approved: 3/28/2017