



# TOWN OF NORTHBOROUGH Conservation Commission

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## Conservation Commission

### Meeting Minutes

June 10, 2019

Approved  
7/8/2019

**Members Present:** Greg Young (Chairman), Diane Guldner, Kelley Marston, Justin Dufresne, Wayne Baldelli

**Members Absent:** Tom Beals, Todd Helwig

**Others Present:** Mia McDonald (Conservation Agent), see attached Sign-In Sheet

The Chair opened the regular meeting at 7:00 p.m. and made an announcement to mute cell phones and that the meeting is being recorded for transcription purposes.

Ms. Guldner read into record the hearing notice for the Request for Determination of Applicability application for 6 Stone Drive (replacement of drain pipe and associated site work), and Notice of Intent applications for 40 Maple Lane (construction of sun room and cement slab, grading and associated site work); 15 Maple Lane (construction of single family house, septic system, well and associated site work); 82 Coolidge Circle (addition on single family house, septic system replacement and associated site work); and proposed changes to the Town of Northborough Wetland Regulations (solicitation of public comment).

Mr. Baldelli made a motion to approve the Minutes of May 13, 2019; Ms. Guldner seconded; all voted in favor; motion approved.

#### Notice of Intent (continued) – 5 Bearfoot Road; Map 30, Parcel 33

**Applicant:** Berlin Land Realty Trust

**Request:** Construction of a child day care facility with associated parking lot, grading, stormwater management and associated site work.

**Jurisdiction:** Buffer zone to a bordering vegetated wetland.

The applicant requested a continuance. Mr. Baldelli made a motion to grant a continuance to July 8, 2019; Mr. Dufresne seconded; all voted in favor; motion approved.

#### Request for Determination of Applicability – 6 Stone Drive; Map 19, Parcel 48

**Applicant:** John Lemont

**Request:** Replacement of drain pipe and associated site work.

**Jurisdiction:** Buffer zone to a bordering vegetated wetland.

John Lemont was present. He plans to have the driveway replaced. There is an existing drain pipe that runs from the driveway through the side yard that ends within 15 feet of the wetlands. The drain pipe will be replaced in kind with a small excavator and hand digging. Erosion controls will be required at the outfall for protection. Mr. Baldelli made a motion to issue a Negative Determination of Applicability for 6 Stone Drive with the condition that it is completed in dry conditions and stabilized within the same day; Mr. Dufresne seconded; all voted in favor; motion approved.

Notice of Intent – 40 Maple Lane; Map 65, Parcel 59

Applicant: Richard Regan

Request: Construction of sun room and cement slab on a single family home, grading near driveway and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetland.

Richard Regan was present. He proposes to replace the existing porch with a sun room; the footprint will be slightly larger. There is an existing retaining wall in place; he will be close to it. A tarp will be required on the stockpile; silt fence and straw wattles will be required for erosion control. Mr. Dufresne made a motion to close the public hearing; Mr. Baldelli seconded; all voted in favor; motion approved. Mr. Dufresne made a motion to issue an Order of Conditions for 40 Maple Lane with the condition for the erosion control devices discussed and tarping of the stockpile; Ms. Marston seconded; all voted in favor; motion approved.

Notice of Intent – 15 Maple Lane; Map 52, Parcel 115

Applicant: Kevin and Dianne Doherty

Request: Construction of a single-family house, septic system, well and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetland.

Mike Sullivan (Connortone Engineering) and Kevin Doherty Jr. were present. The site is 1.8 acres. There will be minimal grading within the resource area; the limit of work is outside of the 30 foot buffer; the septic will be elevated. The well will be 39' from the wetland; the closest point of the house is 51' to the BVW. Per Ms. McDonald's request, the construction sequence has been added to the plan. Mr. Baldelli asked about tree removal. Mr. Sullivan said there is no proposal to go closer than 15'. Mr. Baldelli made it known that there is a recent Bylaw that protects the trees within the 15' unless they are diseased or pose a problem. Mr. Doherty would have to come before the Commission if he intends to remove any trees within the 15'. Mr. Young said the policy is that if the tree is in the 15' and dead it stays; if the tree is in the 15' and a threat to the house, it would be allowed to be removed. Ms. McDonald said DEP commented that the limit of work should be well defined. They do have the right to develop a shoreline but it has to be included in the scope of this NOI; an amendment or new Notice of Intent would be required at a later time. The consensus of the Commission is that they cannot approve anything that is not on the plan before them tonight, including tree removal. Ms. McDonald is requesting restoration within the 15' (pathway, pond, stockpile area), Wetland Flag B5. Ms. Guldner made a motion to close the public hearing; Mr. Baldelli seconded; all voted in favor; motion approved. Ms. Marston made a motion to issue an Order of Conditions for 15 Maple Lane with the condition for restoration at Wetland Flag B5; Mr. Dufresne seconded; all voted in favor; motion approved.

Notice of Intent – 82 Coolidge Circle; Map 7, Parcel 29

Applicant: Jeffrey Faulconer

Request: Construction of addition on a single family home, septic system replacement and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetland.

John Grenier (JM Grenier) was present along with the contractor, Bob Gleeson. The entire parcel is either within the 100' buffer zone or within riverfront area. As part of the project, they propose to remove the septic on the northwest portion of the lot and install the new septic on the street side (southerly portion) of the lot which will be outside of the 50' wetland buffer and further outside of the riverfront area. The new addition will be 16x24; one tree will have to be removed; including the stump. They will work with the existing grade; erosion controls will be at the 30'. Because of the disturbance within the riverfront, they propose to remove the lawn and brush clippings and restore a stockpile area by planting highbush blueberry trees. Per Ms. McDonald's request, Mr. Grenier made modifications to

the construction sequencing. The septic has not yet been approved by the Board of Health. Mr. Baldelli made a motion to close the public hearing; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Dufresne made a motion to issue an Order of Conditions with the following conditions: (1) 18" minimum tall highbush blueberry in the restoration area, (2) extend the silt fence on the addition side to connect to the pool & patio area, (3) silt fence should be dug in, and (4) it is contingent upon approval from the Board of Health; Mr. Baldelli seconded; all voted in favor; motion approved.

#### Other Business:

#### **Request for Certificates of Compliance:**

Mr. Dufresne made a motion to issue a Certificate of Compliance for 29 King Street, Map 82, Parcel 29; DEP File #247-0161 and 29 King Street, Map 82, Parcel 29; DEP File #247-0341; Ms. Guldner seconded; all voted in favor; motion approved.

#### **Notice of Project Change:**

249 Green Street - Map 21, Parcel 2; DEP File #247-1126 – Ms. McDonald received a response regarding the violation notice for not maintaining the erosion controls and silt-laden water leaving the site. The only work jurisdictional to the Commission is the driveway and the edge of the septic. The new plan has a new retaining wall; the erosion controls are now being maintained. Both Connorstone and the site contractor thought the retaining wall was the best solution. The site is stable now, but the project is not completed. Ms. Marston made a motion that the project changes are insignificant and no enforcement is required; Ms. Dufresne seconded; all voted in favor; motion approved.

#### **Informal Discussion:**

Proposed Disc Golf Course on Conservation Land at Edmunds Hills Woods/Northborough Senior Center – Steven Dakai and Kelly Scangas were before the Commission a few months ago. Mr. Dakai explained the trails and said it starts behind the Senior Center. The Commission had a prior concern about the impact with potential trail users or dog walkers. Mr. Dakai said he spoke with Forest Lyford of the Trails Committee and Forest was impressed with the proposed layout. Forest confirmed that the area around the pond is no longer considered part of the trail. There will be minimal tree cutting; the goal is to leave it as natural as possible. The only permanent structure is the basket. They hope to start in this fall and open Labor Day 2020. Ms. McDonald said if they move forward, they need to file an RDA for the work near the pond. Mr. Young asked about maintenance and who takes care of it. Mr. Dakai said generally the Disc Golf community. Asked about liability, Ms. McDonald believes if you use the town trails you do so at your own risk; she will confirm that with Kathy Joubert. Henry Squillante (Friends of the Senior Center) said on Tuesdays there are 75± people and the parking lot is full; the Senior Center is open Monday-Thursday and half-day on Fridays; the population has grown 300% over the last five years. Mr. Dakai said the Senior Center would determine the days/hours of operation it could be used for Disc Golf. The questions for the Commission are (1) do they have permission to move forward to file an RDA, and (2) do they have permission to start constructing the course on Conservation land. Mr. Dakai said there will be areas where he will need to take down trees 4"-6" (but nothing more than 6"); there are 18 holes, there could be 18 trees. Mr. Dakai was told there would be a 6" maximum for trees. He will mark anything larger than 2" and be allowed to remove an average of one 4"-6" tree per hole. Mr. Dufresne made a motion to approve the use of the land controlled by the Conservation Commission and to move forward with the RDA process; Mr. Baldelli seconded; all voted in favor; motion approved.

**Proposed Changes to the Town of Northborough Wetlands Regulations (Solicitation of Public Comment)** – Ms. McDonald explained that isolated vegetative wetlands was a jurisdictional area in town until late 2015 when it was legally challenged. It was found that the way it was defined in the bylaw and regulations that it was not a legally defensible jurisdictional area; the Commission stopped including them as being protective. The bylaw passed at town meeting. Tonight the Commission is reviewing the supporting regulations that define an isolated vegetative wetland ; the structure was also defined and setbacks redefined. Ms. Guldner made a motion to close the public hearing; Mr. Dufresne seconded; all voted in favor; motion approved. Ms. Guldner made a motion to accept the updated regulation changes as written; Mr. Baldelli seconded; all voted in favor; motion approved.

**Correspondence** was reviewed. There will be a grand opening of the Boroughs Loop Trails in October. The Commission also received a copy of the application to the Zoning Board of Appeals for variance to construct an office building at 1C Belmont Street.

**615 Howard Street:** The Open Space Committee recommends spending \$4,100 from the Conservation Fund for an appraisal of 615 Howard Street for possible purchase. Mr. Dufresne made a motion to approve the spending of the funds and to move forward with the appraisal; Mr. Baldelli seconded; all voted in favor; motion approved.

**Other Business As May Legally Come Before the Commission**

The next meeting is scheduled for July 8, 2019.

Mr. Baldelli made a motion to adjourn; Ms. Guldner seconded; all voted in favor; motion approved. The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Melanie Rich  
Commission Secretary