



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission

Meeting Minutes

April 8, 2019

Approved
5/13/2019

Members Present: Greg Young (Chairman), Diane Guldner, Kelley Marston, Todd Helwig, Justin Dufresne, Wayne Baldelli, Tom Beals

Members Absent: None

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

Informal Discussion began at 6:15pm

Bartlett Pond Dam and Invasive Species Treatment Informal Discussion – Allen Orsi (Pare Corporation) prepared the inspection report in 2015 which was submitted to the state. DCR sent a letter on March 22, 2019 outlining the deficiencies that were identified. The Office of Dam Safety (ODS) said a gate or controlled conduit shall be provided to drain each reservoir. Mr. Baldelli thought a siphon was the easiest and most inexpensive way to go. Mr. Orsi said there are several ways to meet the low level outlet. The siphon would be 3'-4' in the bank; the biggest challenge would be to get it working. Mr. Baldelli thought it could be drained in the spring when the weed control (every three years) was being done. There is only one shallow well left on the pond so care would have to be taken. Ms. McDonald spoke with Joe Oronato of Solitude Lake Management about the treatment and said that drawdowns are effective in MA every five years. Bartlett Pond is 5'-6' deep; one part is 8' deep. Ms. McDonald said we cannot do any drawdown without a full NOI and feasibility study; Natural Heritage may be involved. The feasibility study would need to be done first. She asked Mr. Orsi if he could help file the permit. He stated that they do have a permitting department that could wrap the drawdown, the old NOI and the future NOI together. The bathymetry study that was done in 1984 was discussed. Mr. Orsi said the dam is in fair condition so the state is not overly worried, but we do need a low level outlet; the cost would be approximately \$20K. Mr. Baldelli asked about the tree and vegetation around the bank. Mr. Orsi said that would be the high priority focus first. Mr. Helwig did not think we could get CPC funds. Ms. McDonald said there are grants available. Mr. Orsi said the first step is the cost and options, the size of the outlet that is needed, water shed evaluation, location, and type of utility to be used. The process could take a few fiscal years. For the low level outlet, the first step would be a study/conceptual design, tree removal and low level outlet control. Ms. McDonald will check with the Historical Society.

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

Mr. Helwig made a motion to approve the Minutes of March 11, 2019; Ms. Guldner seconded; voted 6-0-1; motion approved; Mr. Beals abstained from voting.

Mr. Baldelli made a motion to approve the Minutes of March 26, 2019; Mr. Beals seconded; voted 5-0-2; motion approved; Mr. Dufresne and Mr. Helwig abstained from voting.

Notice of Intent – 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 wetlands.

Scott Goddard was present. Updated plans were submitted (dated 3/6/19). Mr. Goddard said soil testing with the stormwater infiltration indicated that the seasonal high ground water was below the presumed high ground water; conservative by a foot of buffer. He said the cut/fill analysis was done and the total cubic yards is 3,200. The traffic exit and the dumpster notations were put on the plan. The perimeter fence is 4-feet high; there are a large number of options for playground surfaces. The material is specified by the manufacturer; pest management requires monitoring of the perimeter. They have the preliminary Zoning Interpretation from the Building Inspector. Under the Dover Amendment it is subject to Planning Board review/ approval. Ms. McDonald said she could not find the cut/fill analysis. Mr. Goddard said there is only a notation of the calculation on the plan. Mr. Young asked about the retaining wall. Mr. Goddard said the retaining wall is right at the 15-foot and keeps the grading work out of the 30-foot; it is 4-feet high. Mr. Young said there are no structures allowed within the 30-foot, and it is a structure. Mr. Goddard said he thought it would not qualify as a structure because it acts as a barrier to the wetlands; it will be 30-feet long. The slope would be steep if the wall was not there. The Building Inspector does not require a permit until it hits 4-feet. Mr. Litchfield reviewed the plan and believes the Commission did not permit them in the past. If Mr. Goddard were to request a waiver, he would have to meet the criteria of the four points listed in the regulations. It is 30'W, 4'H, 5'D; the Commission agreed it is a structure. 3,200 cubic yards of fill will be brought in. Mr. Helwig asked if this is an exempt use and asked if any zoning relief was needed to proceed. Mr. Goddard stated it does need Site Plan Approval. Mr. Helwig asked if there was a tenant or purchase and sale agreement in place. Mr. Goddard said that is part of the Planning Board and Zoning review and would not answer the question. Mr. Helwig asked who owns the site. Mr. Goddard said currently Berlin Land Realty Trust. Mr. Helwig asked who the Trustee is and who are the owners of the Trust. Mr. Goddard said he is a Trustee, but beyond that he could not discuss it. Mr. Helwig commented that we need the name of the owners to fill out the application. Mr. Goddard said the owners are the Trust; Mr. Helwig respectfully disagreed. Mr. Goddard said he is not the owner. Ms. McDonald asked if he had received the Zoning Interpretation form. Mr. Goddard said he has the preliminary determination of the Dover Amendment applicable to the site. He didn't know if the form was filled out and said it is an ongoing discussion. Ms. Sandstrom asked where the wall was going to be. Her concern is that on the right side of the property there is a 2-foot wide culvert that is a drain for the pond. If it is blocked, it will cause the pond level to rise. Mr. Goddard said the water discharges to the right of the limit or work; the drain is not within the footprint of the proposed activity. Ms. Sandstrom said it is not in the footprint but she had concerns about it. Jean Coyne (1A Pondview Way) commented that it brings up red flags that Mr. Goddard will not identify the owners. Mr. Young said that Mr. Goddard needs to get out of the 30-foot or request a waiver that meets all four requirements. Mr. Beals made a motion to continue to May 13th; Mr. Baldelli seconded; all voted in favor; motion approved.

Notice of Intent – 363 & 367 West Main Street; Map 81, Parcel 18

Applicant: Ron Ernenwein

Request: Replacement of a failed septic system and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetlands.

Mr. Beals recused himself from the matter. Mike Sullivan (Connorstone Engineering) was present. The building is surrounded by wetlands in the back, sides and across the street. A 5,000 gallon septic tank is proposed; they will be replacing the leach field and raising it to a 4-foot separation to groundwater; it is approximately 85-feet from the wetland across the street. Ms. McDonald's comments were addressed. A waiver was requested. The Stormwater Checklist has been filed. There is a note on plan that the erosion controls will be installed and inspected before construction; silt fence and 12-inch wattles will be used. BOH approval has been received. Ms. McDonald said there were some old Orders and Enforcement Orders concerning debris on the slope. Ms. Guldner commented that things get blown into

the wetland and suggested that periodic inspections be a condition. Soil is being brought in; Mr. Sullivan said sweeping will be done if necessary. There will be no stockpiling on the property. Ms. McDonald would like to include the O&M Plan with the Order; they also need to include proper snow removal. An Order could be approved contingent upon receiving all the information. Mr. Baldelli made a motion to close the public hearing; Mr. Dufresne seconded; all voted in favor; motion approved. Mr. Baldelli made a motion to grant an Order of Conditions for 363 & 367 West Main Street adding Special Conditions that there is to be no stock piling, the O&M Plan is included with the Order, and prior to the start of work there be periodic inspections; Mr. Dufresne seconded; voted 5-0-1; motion approved; Mr. Beals abstained from voting.

Earthwork Board Re-Appointment – Mr. Beals made a motion to vote to reappoint Anthony Pini to the Earthwork Board for a three-year term to expire on April 30, 2022; Ms. Guldner seconded; all voted in favor; motion approved.

Other Business

Request for Certificates of Compliance – None tonight.

Conservation Restriction for 150 Hayes Memorial Drive – Ms. Guldner made a motion to sign the Conservation Restriction for 150 Hayes Memorial Drive; Mr. Beals seconded; all voted in favor; motion approved.

Possible Disc Golf Course on Conservation Land (Informal Discussion) – Kelly Scanges and Steve Dakai were present. It would be located at Edmunds Hill starting at the Senior Center site, with the entrance on Rice Ave. Mr. Dakai is the Disc Golf Course designer. It is a sport that is natural and is played amongst the trees; good for all; very passive; only a basket needs to be added on a pole. Nothing is planned to cross the trails at any time. Mr. Dakai showed on the map where there are natural holes to put it. Some would be on Recreation land and some on Conservation land. Mr. Helwig thought the people that use the trails now would be upset. Mr. Dakai said they will avoid the trails. The Commission discussed and requested that the course stay north of the summit. Mr. Dakai said Open Space and Trails were very interested. Mr. Young would like to see a design. Mr. Dakai and Ms. Skanges agreed to place flags, then work with Ms. McDonald and Ms. Marston on getting those flags placed on a GIS plan in June. A Public Hearing will be scheduled for the July meeting. They will be working with the Recreation Department to apply for CPC funds and hopefully open in 2020.

291 Hudson Street – Andrew Delcid (landscape contractor), Sarah and Brian Hopkins (homeowners) were present. A violation was reported and a site visit conducted. The trio reported that they cleared the prickly bushes and will be planting wetland grasses and shrubs/trees; silt fence and straw wattles have been installed to prevent runoff as directed by the Commission. The project is to make it visually appealing and still protect the wetlands. Mr. Delcid said they took down debris but left it on site; they did not cut trees. Ms. McDonald said the straw they put down is not straw, it's hay. The entire area is riverfront area; the land is cleared. Mr. Beals told the landscape contractor that he should have known better and inquired about it; he didn't do his homework and put undue stress on the homeowners. The Commission discussed and decided the homeowners need to file an NOI and plan showing the quantities and species that will be planted along with a planting plan. Ms. McDonald told them to dig in the silt fence; currently it's just lying there. Mr. Delcid asked if the debris can be taken out. Mr. Beals said it would be better to take it out as long as they don't go past the silt fence and wattles.

Wetlands Bylaw & Regulations Update – Mr. Beals will make the motion at town meeting. The structure definition prepared by Ms. McDonald was reviewed, revised and will be added to the regulations. She

will also revise the draft regulations and forward them to the members. The goal schedule was discussed:

May 13: Finalize Draft Regulations

May 14-17: Publicize draft updated regulations

June 10: Public Hearing to solicit public comment.

(If none, vote to incorporate updated regulations.)

June 11-14: If needed, make additional changes.

July 8: Vote to incorporate updated regulations at public meeting.

Correspondence was reviewed.

Other Business

The Town Meeting is April 22nd.

Staff submitted an application to the DCR Matching Funds Program for the Yellick Conservation Area on Hudson Street for two projects: replacement of a pedestrian river bridge and the construction of a dog park.

125 Rice Avenue, the property sold, but not to the Town.

The property at 329 & 333 West Main Street (Labadini Corporation) failed at the ZBA because of the nonconformity.

The next meeting is scheduled for May 13, 2019.

Mr. Baldelli made a motion to adjourn; Ms. Guldner seconded; all voted in favor; motion approved. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary