



TOWN OF NORTHBOROUGH Conservation Commission

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Approved
11/19/18

Conservation Commission Meeting Minutes October 15, 2018

Members Present: Wayne Baldelli, Diane Guldner, Justin Dufresne, Todd Helwig, Kelley Marston, Tom Beals (7:25PM)

Members Absent: Greg Young (Chairman)

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

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

Ms. Guldner read into record the hearing notice for the Request for Determination of Applicability application for 81 Maple Lane (install temporary dock and associate site work).

Request for Determination of Applicability (81 Maple Lane; Map 65 Parcel 44)

Applicant: Yao Zhang

Request: Installation of Temporary Dock and Associated Site Work

Jurisdiction: Bank and 100-foot buffer to bordering vegetated wetlands (Bartlett Pond)

Ms. Zhang showed site and the access point. All trees will stay; shrubs will be trimmed. There are some stone steps; she will add more stone chips for a storage area. She intends to have a floating dock (pre-fab with wheels). Mr. Baldelli said the area is low brush; there will be cutting, no grubbing. Mr. Helwig made a motion to issue a Negative Determination; Ms. Guldner seconded; all voted in favor (Mr. Beals not yet present); motion approved.

Notice of Intent – 0 Bartlett Street; Map 51, Parcel 3 (DEP #247-1144)

Applicant: Northborough Land Realty Trust

Request: Proposed 167,400 Warehouse/Distribution Center

Jurisdiction 100-foot buffer to bordering vegetated wetlands

The applicant requested a continuance. Mr. Helwig made a motion to continue the hearing to November 19, 2018; Mr. Dufresne seconded; all voted in favor (Mr. Beals not yet present); motion approved.

Other Business:

120 Maynard Street (forestry access approval for 90 Maynard Street) – A site visit was conducted on October 11 with Chairman Young, Ms. Guldner, Jan Gillerin, owner, and Joe Lee, Forester. An alternate site access and landing area was located by Mr. Lee in an upland area located entirely on the Gillerin property. Ms. McDonald said the state forester will have jurisdiction; the Commission's permission is no longer needed since they are moving the access off of the adjacent 90 Maynard Street. A new plan revising the access and landing pad will be submitted to the Commission; comments can be made at that time.

125 Rice Avenue (vote to move forward on appraisal and investigation into property) – Ms. McDonald said she and Kathy Joubert made a list of appraisers and will reach out to them if the Commission votes in favor. Mr. Helwig made a motion that the Commission move forward on the appraisal for 125 Rice Avenue; Ms. Guldner second; all voted in favor; motion approved.

Informal Discussion: 85 & 95 West Street (Map 5, Parcels 34 & 35) – Mike Casaceli, Brian Waterman, Ken Strom (WDA) were present. There is a current Order of Resource Area Delineation on the site. Mr. Casaceli said they are proposing to create some ANR lots; there are wetlands throughout the site. They would like to have a driveway for each individual lot for the purpose of saleability and explained the options for each potential lot. Ms. Guldner asked if there could be a circle with driveways coming off of it. Mr. Casaceli said he did not want to go through the subdivision process. Mr. Baldelli said it is not the Commission's concern for saleability. They are asking the Commission to have multiple crossings that are going to impact the wetlands. The Commission would prefer a common driveway to minimize the impact to the wetlands. They need to be creative. Ms. McDonald reminded them that five lots will trigger stormwater requirements. They will schedule an Inter-Department Review.

Approval of Minutes – Mr. Helwig made a motion to approve the Special Meeting Minutes dated September 24, 2018; Mr. Beals seconded; all voted in favor; motion approved.

Request for Certificates of Compliance:

76 Lincoln Street; Map 75, Parcel 40; DEP File #247-1078 (hold) – Ms. McDonald provided photos. 75% of the growth has taken. The engineer needs to provide a current statement that everything was built as proposed. The January 2017 statement on file indicates that everything was built as proposed, but it was found that it was not functioning as designed. Ms. McDonald requested the statement; it should be ready for the November meeting.

Mr. Beals entered the meeting.

5 Cyrus Way; Map 82, Parcel 117; DEP File #247-971 (Partial) – There is a bioretention basin; there has been some dispute of the ownership and maintenance of the basin. Ms. McDonald showed a photo from today. The Commission's Order of Conditions listed the Stormwater Management Plan and went into further detail that it is to be mowed and the sides are to be mowed and mulched. The Order of Conditions contains standard conditions as written that say (1) basins will be maintained, (2) they are owned by the landowner, and (3) the owner is responsible for maintenance. The owner and applicant were asked to contact a maintenance company; they contacted EcoTec. After the initial maintenance, they did mow the sides. The town requires that there be access for emergency maintenance. The owner is not to block the ingress or egress. As of the site inspection today, the oak tree was removed and the bush was trimmed. She received a statement (dated today) from the former property owner Durulrab Antulay, that he hired Robert Arello (R.B. Arello Company) who specializes in the maintenance of detention basins. He reviewed the planting plan (removed the white oak tree and large bush).

Mr. Helwig felt it was the town's problem to maintain the easement. Ms. McDonald said the easement between Island Builders and the town says that the landowner would be responsible for maintaining the access and removal of vegetation and the operation and maintenance. Mr. Nasrullah said the easement was granted after his client took ownership; he bought the property in 2012, the easement was granted in 2014, and he was not notified. Ms. McDonald stated that ownership is defined and the work was required in the Order and has been completed.

She asked if the Commission would accept the statement since it does have errors (wrong date) and it was written by the former homeowner, not the maintenance person. Mr. Baldelli said the date does

need to be corrected. The Commission discussed and decided that as it is a legal document, they want the dates corrected.

Mr. Beals made a motion to issue a Certificate of Compliance for 5 Cyrus Way providing the date for the repair is changed on the letter; Mr. Helwig seconded; all voted in favor; motion approved. Ms. McDonald reminded Mr. Nasrullah to inform his client that the property he purchased has an Order of Conditions on it and he is the owner of that Order.

Mr. Nasrullah commented on the grading for **Lot 6, 2d Little Pond Road (181 East Main Street)**. He said in the back of the house there is a drastic drop off, scrub and hay bales. The approved plans show 25-foot of flat yard and then gradual grading down. The builder said he is going to fix it. Ms. McDonald said they have already started. John Hanna (current owner and builder) contacted her and they met on site with James Tetreault (Thompson-Liston). Mr. Tetreault confirmed the location of the driveway and house as correct, and said everything was accurate except the slope; it goes out 25-feet and is a 1.5:1 slope instead of 4:1. Mr. Tetreault found that the hay bales were installed too close; they had to move the hay bales to where they were actually proposed (they moved them back 20-feet). Once that was done they were able to take the 1.5:1 slope and move it to the 4:1 slope. She re-inspected the re-install of the new erosion controls; a site worker was bringing in fill to try to make the slope. She told him if there was any change to come in to the Commission with a project change; John Hanna told Ms. McDonald there will be no change; it will be made as shown on the plan.

287 Church Street; Map 43, Parcel 8; DEP File #247-1104 – Ted Gowdy was present. He gave the members a copy of the letter he sent to Ms. McDonald. The Commission had requested he oversee the lawn (he did); the front of the basin had dirt patches (additional loam was placed and seeded; hay bales were used to stabilize the slope). The planting plan around the perimeter was approved at the last meeting and plantings were completed. Having no further issues, Mr. Helwig made a motion to issue a Certificate of Compliance for 287 Church Street; Mr. Dufresne seconded; all voted in favor; motion approved.

Other Business As May Legally Come Before the Commission

Mr. Beals asked for an update on Bartlett Street where the stockpile washed down and is up against the silt fence and starting to break through. Ms. McDonald said she walked the site with the project manager for Beauregard Construction and Fred Litchfield, the Town Engineer. A re-inspection was to take place the following week at the same time as an erosion control inspection for the work on Cedar Hill Street. The re-inspection has not yet taken place. She will follow up.

Ms. McDonald walked the entire re-conducting project where work is near the wetlands. They are using large timber mats, more than they need; everything is covered and stable. They plan to finish by December. Mr. Beals said they are bringing in a lot of hay bales and asked if she could ask them to remove the hay bales at the completion of work, not spread them. Ms. McDonald will contact them. She said National Grid hired two full-time Compliance Monitors; she has their contact information.

Ms. McDonald said Police caught the person using the trail daily as a bathroom. They made it clear to him that he was not to do that again and was told to clean up the area. The church is citing him with a vandalism complaint. The police re-visited the site and it was cleaned up. Ms. McDonald will also re-visit the site.

Mr. Baldelli asked if Solitude would be coming back with a post treatment report regarding the Bartlett Pond herbicide treatment. Ms. McDonald said they should have a year-end report in November or December and that she will follow up with an email to Solitude.

The next meeting was confirmed for November 19, 2018.

Ms. Guldner made a motion to adjourn; Mr. Helwig seconded; all voted in favor; motion approved. The meeting adjourned at 8:17PM.

Respectfully submitted,

Melanie Rich
Commission Secretary