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TOWN OF NORTHBOROUGH Conservation Commission

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**Conservation Commission
Remote Zoom Meeting
Meeting Minutes
October 16, 2023
*Approved November 13, 2023***

Members (Remotely): Greg Young (Chair), Dan Clark, Justin Dufresne, Diane Guldner, Todd Helwig

Members Absent: Tom Beals

Staff (Remotely): Vincent Vignaly (Conservation Agent), Owen Jones

Others (Remotely): Vito Colonna from Connerstone Engineering; Ann Beckstrom; Dudley Darling- Juniper Golf Course

The Chair opened the remote meeting at 6:00 p.m. and announced that the meeting of the Northborough Conservation Commission is being conducted remotely consistent with Governor Healy's Executive Order of March 29, 2023, an Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency. All members of the Northborough Conservation Commission are allowed and encouraged to participate remotely. This Order allows the Conservation Commission to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. The public is encouraged to follow along using the posted agenda unless the Chair notes otherwise. Members of the public who wish to view the live stream of this meeting can do so by going to Northborough remote meetings on YouTube via the link listed on the agenda. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. The process was explained.

Member & Staff Roll Call: Justin Dufresne, Diane Guldner, Dan Clark, Todd Helwig, Greg Young, Vincent Vignaly (Conservation Agent); Owen Jones

Ms. Guldner read the legal ad posted in the Worcester Telegram & Gazette newspaper on October 5, 2023, for the following public hearings:

Application for a Notice of Intent at 15 Prospect Street (Map 62, Parcel 61) owned by Steven & Kyla White, to replace an existing 3-bedroom house and raze a shed within the 100' wetland buffer zone.

Request for a Determination of Applicability at 142 & 154 School Street (Map 73, Parcels 1&2) owned by MDD Realty Corp., to continue the operation of a golf training center within the 100' wetland resource areas buffer zones.

Application for a Notice of Intent at 86 Ridge Road (Map 72, Parcel 23) owned by Win Win Capital Investments, LLC, to replace an existing failed septic system within the 100' wetland buffer zones.

The minutes for the July 10, 2023, and September 11, 2023, meetings of the Conservation Commission were reviewed.

Mr. Helwig made a motion that the minutes for July 10, 2023, be accepted and Ms. Guldner seconded the motion. Roll call vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Mr. Helwig made a motion that the minutes for September 11, 2023, be accepted and Ms. Guldner seconded the motion. Roll call vote: Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; Clark abstained because he was absent, motion approved.

Continued Stormwater Management and Land Disturbance Permit: 311 Crawford Street (Map 57, Parcel 14) Permit # 2023-04

Applicant: Bandi Chiranjivee & Manaswini Kokkula

Request: Land alteration to construct a new single-family home, well, and septic system, with associated site work.

Jurisdiction: Part of a Common Plan of Development

Mr. Vignaly met with the Applicant's engineer. The Applicants are working to reduce the number of waivers under the Land Disturbance By-law. They asked for a continuance until next meeting.

Mr. Helwig made a motion to continue this matter until November 13, 2023; seconded by Mr. Clark. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Continued Notice of Intent: 138 Bartlett St. (Map 66, Parcel 3) DEP#247-1236

Applicant: Matthew Coutu

Request: Replace an existing failed septic system and build a 24' x 24' garage.

Jurisdiction: Riverfront Area and 100' Buffer Zone.

Mr. Colonna from Connerstone Engineering was in attendance. Mr. Clark recused himself. Mr. Colonna presented the plan and explained the issues. Because of the high groundwater, the work area will be dewatered during construction. The unsuitable soil will be removed, and good soils brought in. The proposed septic tank and pump chamber are inside of the 100' buffer. The tank will be a monolithic tank with watertight joints to protect against seepage into the groundwater.

The Applicants are proposing to construct a detached garage in the riverfront area, 175' from the bank. Mr. Colonna listed the drawbacks to placing the garage outside of the riverfront area.

The Commission was told that the existing cesspools would be collapsed and filled.

Ann Beckstrom of 152 Bartlett Street asked if the proposed leachfield will go into the berm. Mr. Colonna explained that they would not dig into the berm for the leachfield, it would be built up due to the groundwater.

Mr. Young asked Mr. Vignaly if he saw an alternative placement of the garage. Mr. Vignaly indicated the proposed garage is being placed in the best area.

Mr. Helwig made a motion to close the hearing for 138 Bartlett Street; seconded by Ms. Guldner. Roll Call Vote: Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; Clark-recused; motion approved.

Mr. Helwig made a motion to issue an Order of Conditions for 138 Bartlett Street; seconded by Mr. Dufresne. Roll Call Vote: Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; Clark-recused; motion approved.

Mr. Vignaly indicated there would be no special conditions in addition to the standard Order of Conditions. Mr. Young indicated that the signs need to be visible.

Notice of Intent: 15 Prospect Street (Map 62, Parcel 61) DEP#247-1238

Applicant: Kyla and Steven White

Request: Replace an existing single-family home, retain the septic system, and raze a shed.

Jurisdiction: 25' No Disturb Zone, 35' No Structure Zone, 100' Buffer Zone.

Mr. Young and Mr. Vignaly met with the engineer at the site. The Applicants have asked for a continuance as they are revising their design to add wetland and buffer zone replications.

Mr. Helwig made a motion to continue the 15 Prospect Street NOI until November 13, 2023; seconded by Mr. Dufresne. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Request for Determination of Applicability: 142 & 154 School St. (Map 73, Parcels 1&2)

Applicant: MDD Realty, David & Margaret Peddle, Trustees

Request: Continue operation of golf training school.

Jurisdiction: Riverfront Area and 100' Buffer Zone.

Mr. Vignaly presented the plan to the Commission. The Applicant is proposing to maintain the existing golf training center and keep back the growth along the edges and remove the invasive species vegetation. They wish to keep the edge of the pond stable and prevent tree growth on

the dike. They will not apply herbicides, only mowing and regular hand maintenance. They will remove the pile of brush and branches near the pond.

No one from the public requested to comment.

Ms. Guldner made a motion to close the hearing for 142 & 154 School Street; seconded by Mr. Dufresne. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Mr. Dufresne made a motion to issue a negative determination for 142 & 154 School Street with no conditions; seconded by Mr. Helwig. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Mr. Vignaly will monitor the area to make sure the brush and branches are removed.

Notice of Intent: 86 Ridge Road (Map 72, Parcel 23) DEP#247-XXXX

Applicant: Armany Partners, Win Win Capital Investments, LLC

Request: Replace a failing septic system

Jurisdiction: Leaching Area within 100' of wetland, 100' Buffer Zone

Vito Colonna explained that this is a failed septic system. Mr. Colonna presented the plan. This will be a raised system due to the high groundwater table. An Eljen system will be installed which provides for enhanced treatment and allows for a decrease in the leach field area by 40%. Mr. Colonna explained the Eljen system.

Mr. Vignaly indicated that the local by-law requires a minimum 100' setback for a leaching area to a wetland, but it can be reduced to 50' minimum for a repair.

This plan still needs approval from the Board of Health. No one from the public requested to comment. There is still no DEP number so the hearing cannot be closed.

Mr. Dufresne made a motion to continue the hearing for 86 Ridge Road to 6:00 on November 13, 2023; it was seconded by Ms. Guldner. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Requests for Certificate of Compliance

26 Dennis Circle, (Brodie) (Map 56, Parcel 28) DEP#247-833

In 2004 the Applicant requested permission to install a power line along the driveway. It is being properly maintained. The property is being sold and needs a Certificate of Compliance to complete the sale. No one from the public requested to comment.

Mr. Helwig made a motion to issue a Certificate of Compliance for 26 Dennis Circle; it was seconded by Ms. Guldner. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Young-yes; motion approved.

Violations: n/a

Informal Discussion:

79 Bartlett Street, (ARHS Athletic Fields) (Map 52, Parcel 88) LD #2023-01

Mr. Vignaly explained that the work was being completed under the Land Disturbance Permit. The approved plan noted that all excavated material would be trucked off-site. During inspections, there was a large pile of the excavated material at the site. The Applicant has not requested any changes to the plan, and must explain what is being done with the fill on site. Mr. Vignaly expressed concern regarding the possible drainage changes at the catch basin. The plan was significantly changed and there was no notification before the work was completed.

Mr. Clark questioned the status of the drainage into the catch basin and the overflow into the wetlands. Mr. Young said that the changes already implemented may be sufficient, but the area needs to be confirmed to be stabilized.

Mr. Greg Martineau, Superintendent of Schools, provided clarification regarding the area known as the javelin field. This was a construction change due to PFAS pollutants found in the soil. Instead of disposing the material at an estimated cost approaching \$3 Million, they decided to keep it onsite and spread it over the javelin field. An LSP and a risk assessment specialist reviewed the situation for the Schools. Mr. Young indicated that the catch basin be mitigated, and Mr. Martineau agreed.

Mr. Vignaly will review the site to ensure that the contractor's work is adequate. Mr. Young indicated that any further changes need to be brought before the Commission before the change is implemented. Mr. Martineau was in agreement.

Forestry Contract at Edmund Hill and Mt. Pisgah Conservation Areas

Mr. Vignaly updated the Commission. The Trails Committee has expressed some concerns with tree cutting. Mary Wigmore is planning to attend their meeting on November 20, 2023, and give them an overview of the work to be completed. Commission members were invited to attend.

Mr. Clark spoke about the fire at Mt. Pisgah and that the fire might provide an opportunity to make a more effective forestry operation at Mt. Pisgah. Mr. Vignaly indicated that Ms. Wigmore suggested a revision of the 2022 Forest Management Plan. The cost is \$43,800.00 for Edmund Hill and revisions of Forest Management Plan at Mt. Pisgah. This could be reduced by the value of the harvest. Mr. Clark questioned the commercial value of the oak trees at Edmund Hill. The Town is working on two grants to help pay for this project.

432 Whitney Street (SA Farms) (Map 15 Parcel 22) Cease & Desist

The owner would like to build a farm building on the property at the top of the hill. A building permit has been issued. The access road is an existing farm pathway but isn't passable by the trucks that are anticipated to be needed to construct the farm building. Mr. Anza said he has a

commitment from an engineer to design improvements to the farm road during a conversation regarding the proposed plan submission. Mr. Anza indicated he would bring in a plan showing the wetlands and provide a plan of what he is going to do before he begins. No plan has currently been submitted. The Plan needs to comply with the State's agricultural exemption language.

The Commission discussed size of the lot, the work that is already complete and the prior cease and desist letter. Mr. Young indicated that most of the area that has already been filled will comprise the access road. The cease and desist was issued to stop the work being completed in the buffer zones and it is still in effect. Mr. Dufresne and Mr. Young explained some of the past history of the site. The Applicant does not want to use the old access path through the wetlands. He needs to significantly enlarge the road and stay out of the wetlands to be in compliance with the Agricultural Exemption. Mr. Vignaly spoke with Attorney Doneski who indicated that this property and the one across the street are under Chapter 61A and meet with the standard necessary to qualify for the Agricultural Exemption. The Applicant has been compliant with the Cease and Desist order from 5/19/2020.

The Applicant indicated that he would submit information to the Commission to see whether he is in compliance with the Agricultural Exemption. The DEP court documents agree that the area is an agricultural use. The wetlands and the buffer zone are not being impacted at the current time. Discussion took place regarding the current uses of the property and the impact on the wetlands. Mr. Vignaly explained an issue the owner had with the railroad illegally accessing his property, so he parked his pickup there to prevent it.

The Commission discussed the history of compliance with the different Town boards and whether what the owner is asking for is allowed under the town laws. The owner wants to construct a 30' x 60' prefab metal building on a concrete slab with truss roofing; similar to the buildings across from Iron Mountain. Mr. Young suggested a site walk once the plan is received.

Mr. Young asked if any filings are known for next month. Mr. Vignaly said he met with Weston & Sampson and their plan will be finalized and ready for submittal by next Friday. They are aware that they need a Professional Engineer stamp on the plan.

The next meeting is scheduled for Monday, November 13, 2023, at 6:00 pm.

Ms. Guldner motioned to adjourn; second by Mr. Dufresne. Roll Call Vote: Clark-yes; Dufresne-yes; Guldner-yes; Helwig-yes; Beals-yes; Dufresne-yes; Young-yes; motion approved.

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Brenda M. DiCeglie
Commission Secretary