



# TOWN OF NORTHBOROUGH Conservation Commission

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APPROVED  
10/15/18

## Conservation Commission Meeting Minutes September 24, 2018 Special Meeting

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

**Members Absent:** Tom Beals

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

The Chair opened the meeting at 7:02 p.m. and made an announcement that the meeting is being recorded and to mute cell phones.

Kelly Marston was welcomed as the newest Commissioner.

Approval of Minutes – Ms. Guldner made a motion to approve the Meeting Minutes dated September 10, 2018 with changes noted; Mr. Baldelli seconded; all voted in favor; motion approved. Ms. Marston abstained.

Ms. Guldner read into record the hearing notice for the Notice of Intent applications for Lot #2 Whitney Street (#96 construction of a single family house and associated site work); 71 Whitney Street (demolition of existing single family house, construction of a single family house, septic system and associated site work); 23 Leland Drive (replacement of septic system and associated site work); 267-281 Southwest Cutoff (construction of a dentist office with associated parking, utilities and site work); and Request for Determination of Applicability application for 329 West Main Street (repair of an existing stormwater basin).

### Notice of Intent – Lot 2 Whitney Street (#96); Map 45, Parcel 153 (DEP #247-1156)

Applicant: G.F. Realty, LLC

Request: Construction of a single family house and associated site work.

Jurisdiction 100-foot buffer to bordering vegetated wetlands

John Grenier (J.M. Grenier Associates) was present. There is an existing home on the property, which will be demolished. There will be a new lot approximately 53,000 square feet (shown as Lot 2) which encompasses the southerly part of the lot. Lot 2 has a BVW on the southerly portion of the property. There will be an additional lot on the northerly portion of #96, which is completely outside of the 100' buffer zone. The new home will be located in the eastern portion of the site, north of the wetland, with a driveway that edges along the new property line on the northerly side of the lot. The northerly portion of the house and driveway are within existing lawn areas and existing developed portions of the lot. There will be some tree clearing. The paved surfaces and driveways are completely outside of the 100' buffer zone. There will be no disturbance within the 15-foot no disturb and 30-foot no build; they are proposing to recharge all of the roof runoff using some subsurface recharge chambers; electric and water service shall be brought in from Whitney Street. The wetland boundary was flagged by Matt Marro.

Mr. Young said there is a slope going down toward the wetland boundary and asked if there will be any filling. Mr. Grenier said no; they are maintaining the existing grade at the top of the slope and gradually stubbing the slope to the walkout. Mr. Baldelli made a motion to close public hearing; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Baldelli made a motion to issue an Order of Conditions for Lot 2 Whitney Street contingent upon septic approval from the Board of Health and the trees to be removed being marked; Ms. Guldner seconded; all voted in favor; motion approved.

Notice of Intent – 71 Whitney Street; Map 54, Parcel 19 (DEP #247-1155)

Applicant: Kevin Blondin

Request: Demolition of existing single family house, construction of a single family house and associated site work.

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

John Grenier (J.M. Grenier Associates) was present along with Mr. Blondin. It is a 12,000 square foot lot. Mr. Blondin is proposing to demolish the existing home and construct a new home on the property. There are wetlands to the north and west. There is a flood zone with an elevation of 289.3 that runs around the rear of the lot. There is an existing leach pit that will be removed; it will have a raised septic system where the slope goes down on the side yard (flat in the front yard and slope in the back). The new home will be approximately in the same location of the existing home; Mr. Grenier explained that there will be some filling within the flood zone and showed where it will be replicated.

Mr. Young said the storage box is currently in the 15-foot no disturb. Mr. Grenier said the box is being removed and they are grading it to create compensatory flood storage. Mr. Young asked what it would take to stay out of the 15-foot no disturb. Ms. McDonald said she would consider it restoration of the 15-foot no disturb. The members agreed it is an improvement to the area. Mr. Dufresne asked if the driveway could be a turnaround. Mr. Grenier said the septic system is slightly mounded with a minimum of one foot cover over it which would make it difficult for a turnaround. He said they could possibly widen out the pavement for maneuverability, but doesn't think he can get a full turnaround. Ms. Marston said the maximum height of the retaining wall "may be 7-feet" and asked if Mr. Grenier if it was really going to be 7-feet. Mr. Grenier said that is the walkout elevation behind the garage; he needs the flood storage so he had to keep the grades down. Matt Marro flagged the wetland boundaries on the site. Ms. McDonald asked about tree removal; Mr. Grenier confirmed that there will be a few trees removed. Ms. McDonald pointed out the adjacent town's property; none of those trees should be removed; orange construction fencing will be placed around the trees. Ms. Guldner would like the streets to be swept and a construction entrance access at the current driveway; stone will be put down to catch debris; silt sacks will be installed around all catch basins within 100 feet of the limit of work; and the left side of the site will be used for stockpiling. Ms. Guldner made a motion to close the public hearing; Mr. Dufresne seconded; all voted in favor; motion approved. Mr. Dufresne made a motion to issue an Order of Conditions with the special conditions to provide revised plans showing the construction entrance, note to mark/protect trees, street sweeping, silt sacks, stockpile location and septic conditions; Mr. Baldelli seconded; all voted in favor; motion approved.

Notice of Intent – 23 Leland Drive; Map 64, Parcel 76 (DEP #247-1153)

Applicant: John & Jane Hasson

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

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Angela Panaccione (Palmer Conservation Agent) for Mark Farrell was present. Ms. Panaccione stated the project proposed a replacement of the existing failed septic system and an improvement on existing conditions; it received approval from the BOH. They are requesting a waiver because components of the

leach field are only 45-feet from the edge of the wetlands and the local regulations require a 50-foot setback. They will dig out the existing system and the excess material will be removed from the site. Access will be through the existing driveway. The shed will be relocated because it is in the way of construction activities; it is approximately 30-feet off the wetland. It has to go in a specific location because of setbacks. Ms. McDonald requested the engineer provide alternative locations; they said there were none due to utilities and setbacks to the neighbors. Erosion controls will be placed at 25-feet. The wetlands were flagged on September 16<sup>th</sup>. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; all voted in favor; motion approved. Ms. Guldner made a motion to issue an Order of Conditions for 23 Leland Drive keeping the shed outside the 30-foot no build, using straw bales instead of wattles, and accept the fact that there is a variance to the 50-foot setback requirement of the septic system because there is alternate location; Mr. Helwig seconded; all voted in favor; motion approved.

Notice of Intent – 267-281 Southwest Cutoff; Map 106 Parcel 12 and Map 109 Parcels 8, 33, 34 (DEP #247-1154)

Applicant: Alexander Moheban  
Request: Construction of a dental office and associated site work.  
Jurisdiction: Riverfront area and 100-foot buffer to bordering vegetated wetlands

Vito Colonna (Connorstone Engineering) and Alexander Moheban were present. The site is wooded with old foundations in the front and a well. In the middle there is a perennial stream which cuts the site in half. There are some areas of BVW off the stream. The intent is to construct a dental office and relocate the current office. The office building will be approximately 4,100 square feet with parking to the side; it will have town water and sewer. A treatment structure instead of a standard catch basin for drainage will be used; treatment goes to an infiltration basin. The roof runoff is separated; it goes to a drywell. Mr. Colonna responded to a request for a snow removal plan. He said there is limited space, but they do have a small area in the front and extra parking spaces; 19 are required and they have 35 so snow can be stored in the parking lot. He will provide revised plans showing the additional snow storage area. There is an O&M Plan to clean the infiltration basin. Ms. McDonald would like to append the O&M Plan to the Order of Conditions. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Helwig made a motion to issue an Order of Conditions for 267-281 Southwest Cutoff and to provide revised plans showing additional snow storage, and append the O&M to the Order of Conditions; Mr. Baldelli seconded; all voted in favor; motion approved.

Request for Determination of Applicability (329 West Main Street; Map 81 Parcel 13)

Applicant: Labadini Corporation  
Request: Repair of an existing stormwater basin.  
Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Brian Waterman (WDA) was present. Mr. Waterman explained the location on the plan. The existing building is from 1984; the addition was put on in 1988; there is a detached garage in the back. The site is approximately 2.1 acres. The existing retention basin subject to this filing is located in the front of the property. The existing street drainage appears to discharge into the swamp. There is a headwall and basin which also appears to be buried. The basin bottom was designed approximately at elevation 305; it is now at elevation 307-308. It has 2'-3' of fill in it and is completely overgrown with phragmites and knotweed and 30 years of road sand. The catch basins are holding water, which are in the MassDOT right-of-way so they cannot go in and clean them. If the Commission allows them to clean out the retention basin, they will contact MassDOT about cleaning the outlet pipe. They propose to get the capacity back to elevation 305 and clean out the catch basins on the property, remove the invasive

plant species and maintain a 4:1 slope off the side (which was what was originally designed). The embankment with riprap will remain untouched. Erosion control barrier (silt fence) will be between the road edge and the grading. The work should take only two days. The schedule will be coordinated with the Dance Studio. Ms. Guldner asked what prompted it to be done. Mr. Waterman said there is a person interested in purchasing the building. Mr. Helwig made a motion to close the public hearing; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Helwig made a motion to issue a Negative Determination of Applicability; Mr. Dufresne seconded; all voted in favor; motion approved.

**Request for Certificates of Compliance:**

287 Church Street (continued), Map 43, Parcel 8; DEP File #247-1104 – Tom Rebula (Goddard Consulting) and Ted Gowdy (Gowdy Group) were present. Mr. Rebula submitted the proposed planting plan as required by the Commission at the last meeting. Also required by the Commission, Mr. Rebula said the bare spots in the lawn area will be reseeded and stabilized before requesting a Certificate of Compliance. The additional request was to get approval for the planting for the mulch area. They are proposing 40 creeping juniper and 18 northern bayberry; planting will be done as soon as possible. Mr. Rebula requested a continuance to the October 15<sup>th</sup> meeting. Mr. Young said we have to (1) approve the implementation of the planting plan, (2) reseeding, and (3) the work to the right side to the basin. Mr. Helwig made a motion to approve the planting plan; Ms. Guldner seconded; all voted in favor; motion approved. Mr. Helwig made a motion to continue to October 15<sup>th</sup>; Ms. Guldner seconded; all voted in favor; motion approved.

**Other Business:**

Mr. Young asked the status of the Old Farm Trail by 419 Main Street. Ms. McDonald said someone is using it daily as a bathroom; the police have been notified. She told the Elders of the Church next door to call the police every time they see the car and to get plate number if possible.

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

125 Rice Avenue (Yellick property) – Ms. McDonald said Mr. Yellick came to the Open Space meeting and presented a plan; he wants to subdivide the property into a house lot containing the current house (2 acres) and the remaining backland as another parcel; he did present several different options (solar companies was one of them). He mentioned a possible asking price of \$300K. The Open Space Committee liked the figure but can only pay for what it is assessed. If the Commission is interested and the consensus is to put it on the October 15<sup>th</sup> agenda, Kathy Joubert will start getting appraisals. Mr. Young stated that the Commission would vote formally on the expenditure. Mr. Helwig said it seems to make sense for a variety of reasons, but we should be cautious because we are not going to be taking in money for the Conservation fund any time soon. Open Space is a sub-committee of the Conservation Commission; they voted and approved to move forward with the appraisal; it met all of the Open Space requirements. Mr. Baldelli would like to see where the solar project would be proposed. Ms. Guldner asked if it would be possible to keep the trails open and let Mr. Yellick do what he wants with the rest of it. Ms. McDonald said they could have that conversation. The feedback was positive to move forward with the appraisal; more discussion will take place on October 15<sup>th</sup>.

The Commission received a Forestry Management Plan for 90 Maynard Street the proposed access through 90 Maynard Street. The permission approval; and discussion will be on the next agenda; they need permission to cross land on which the Conservation Commission holds a Conservation Restriction at 120 Maynard Street.

Mr. Baldelli asked about Arthur Butt's property (83 Maple Street). Ms. McDonald contacted him and told him he needed to stake out the 15-foot no disturb and the Commission would look at it (which he agreed to at the meeting he attended). He told Ms. McDonald that he was not going to do anything. He said he measured off the 15-foot no disturb and said he is 15-feet away and not willing to put out stakes or discuss it any further with the Commission. Mr. Baldelli said he put in a lawn up to the brook without permission within the last few years. He put up a row of arborvitae trees that is inside the 15-foot. Mr. Young thought there was a new fence and tree. Ms. McDonald asked if she could go on the site and Mr. Butt said no. He has never received a Certificate of Compliance. Mr. Helwig suggested sending a letter stating that he is in violation and will not receive a Certificate of Compliance if he sells the house. Ms. McDonald will draft a letter and Mr. Helwig volunteered to review it.

Ms. Guldner said the sign at Edmond Hill Woods has been down for a year. Ms. McDonald was told the long-term goal is to expand the parking lot and new sign installed at that time. The Police Department has asked that the parking lot be extended.

Mr. Dufresne said there is a Master Plan meeting scheduled for October 4<sup>th</sup>.

The next meeting was confirmed for October 15, 2018.

Ms. Guldner made a motion to adjourn; Ms. Marston seconded; all voted in favor; motion approved. The meeting adjourned at 9:28PM.

Respectfully submitted,

Melanie Rich  
Commission Secretary