



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission

Meeting Minutes

July 8, 2019

Approved
8/12/19

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

Members Absent: Diane Guldner

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

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

Mr. Baldelli read into record the hearing notice for the Request for Determination of Applicability applications for 287 Church Street (replace existing lawn with asphalt driveway in front yard), and 119 Bearfoot Road (install disc golf tees, lanes and baskets).

Mr. Baldelli made a motion to approve the Minutes of June 10, 2019; Mr. Dufresne seconded; voted 4-0-2; 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.

Mr. Dufresne and Mr. Helwig recused themselves from the matter. Scott Goddard was present. At the last meeting the Commission revisited the issue of the retaining wall being a structure and request that it be removed from the 30-foot buffer zone. The site plan was redesigned to have a slope rather than a retaining wall. The revised plan (6/6/19) removes the retaining wall and replaces it with a slope; it is the same limit of work line; no waiver request was submitted or required; everything else on the plan remains the same. Mr. Goddard said the wall was replaced with a 1:1 slope which slightly reduces the footprint on the top of the slope; it will be riprapped. Ms. McDonald asked for the detail on the riprap. Mr. Goddard stated it shall be designed by a geotechnical engineer at a later date. She reminded Mr. Goddard that if any boards make changes to the site, he has to come back before the Commission. Mr. Goddard stated that the project has to go before the Planning Board.

Janet Sandstrom (1B Pondview Way) said it looks like the bump out of the 1:1 is going to be intruding on the wetlands. Mr. Goddard said it was kept the necessary distance away. She was concerned about the impact on the wildlife. Mr. Young said the plan does not include any work in the wetlands.

Bill Donovan (3B Pondview Way) asked if Mr. Dufresne and Mr. Helwig were able to review it now that the plan was revised. Ms. McDonald said they can comment as residents, but they are not voting on the project. She further explained that there is no Mullen's Rule in Northborough. If a commissioner misses a hearing, they're not allowed to vote on the project. He asked for the board's feeling about removing the retaining wall; it must have been there for a reason. Mr. Baldelli said it was removed at the

Commission's request. Mr. Baldelli explained that walls cause problems limited natural resources and animals going from one area of a site to the other, and that the Commission does not allow structures within 30-feet of a wetland. Mr. Young said the Commission's focus is on wetlands protection.

Jean Coyne (1D Pondview Way) had concerns about the location of the childcare center, safety issues and traffic on Bearfoot Road. Mr. Young stated that is within the purview of the Planning Board and suggested she attend the Planning Board Meeting to discuss these concerns.

Mr. Donovan read for the record the following Wetlands Regulations 1.2 Purpose: "The purpose of the Wetlands Bylaw is to protect the wetlands, related water resources and adjoining land areas in the Town of Northborough by prior review and control of activities deemed by the Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, fresh water shellfish, wildlife habitat, recreation, aesthetics, agriculture and aquaculture values." He asked that the Commission make the appropriate decision based on the purpose. Mr. Donovan asked if the Commission felt that the aesthetic value of the wetland was being preserved. Mr. Young said the Commission tries to find a balance between protecting the wetlands and what can be done with legally owned property. The Town of Northborough Wetlands Bylaw has a 15-foot no disturb zone and a 30-foot no build zone to keep any activity away from the vulnerable parts of the wetlands; in some cases it may not be an easy or a preferred site, but it's legal within the law. Mr. Young repeated that this project does not propose to fill or cross any wetland resource areas.

Mary Bassett (3A Pondview Way) said they were there because they are citizens and the Commission is the first enabler of the project; they would like to see strict enforcement of the regulations and bylaws.

Mr. Helwig asked if Mr. Goddard how soon construction would start if he receives Planning Board approval; Mr. Goddard did not have an answer to that. Mr. Helwig asked if he had a tenant; Mr. Goddard said it is all to be determined. Mr. Young said any change to the plan requires a revisit to the Commission; Mr. Goddard understood.

Mr. Baldelli made a motion to close the public hearing; Mr. Beals seconded; voted 4-0-2; motion approved. Conditions were discussed. Mr. Beals made a motion to issue an Order of Conditions for 5 Bearfoot Road with the following conditions: [1] Geotech design of the 1:1 slope to be reviewed by Ms. McDonald and the Town Engineer, and [2] two wetland signs on posts to be placed at Wetland Flags 54 & 44; Mr. Baldelli seconded; voted 4-0-2; motion approved.

Request for Determination of Applicability – 287 Church Street; Map 43, Parcel 7

Applicant: John Greene
Request: Replace existing lawn with new asphalt driveway in front yard.
Jurisdiction: Buffer zone to a bordering vegetated wetland.

Ted Gowdy and John Greene were present. They plan to put in a semi-circular driveway in addition to the existing driveway; the walkway will be connected. Mr. Young said that during rain events the water will run off the left side of the driveway and eventually into the retention area. Mr. Gowdy said the water on the right side will run into the road. The applicant had completed impervious cover calculations and submitted them to the Town Engineer and 15% impervious area is maintained. The closest wetland is across the street.

Michelle Ferencick (295 Church Street) had a concern with potential water issues. Mr. Dufresne said most of the water will sheet flow back to the road and away from her property.

Mr. Helwig made a motion to issue a Negative Determination of Applicability for 287 Church Street with the condition that silt sacks be placed on the eastern catch basin; Mr. Beals seconded; all voted in favor; motion approved.

Request for Determination of Applicability – 119 Bearfoot Road; Map 29, Parcel 30

Applicant: Allison Lane, Director (Northborough Recreation Department)

Request: Install disc golf tees, lanes and baskets for a disc golf course and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetland.

Steven Dakai and Kelly Scanges were present. At the last meeting, the Commission approved the use of Conservation land; the Commission has jurisdiction over a small area (pond). There was concern about discs in the pond. The Commission can revisit the issue if they feel it is being invasive to the pond and eliminate the tee. Mr. Dakai will mark trees larger than 2" in diameter and contact Ms. McDonald before removing them. He is working on a grant through the Frisbee Association to obtain 9 baskets to be playable by Thanksgiving if possible, but the actual opening would be in September 2020. It was approved by Kelly Burke (Northborough Senior Center).

Mr. Dufresne made a motion to issue a Negative Determination of Applicability for 119 Bearfoot Road; Mr. Beals seconded; all voted in favor; motion approved.

Other Business:

Request for Certificates of Compliance:

Mr. Helwig made a motion to issue Certificates of Compliance for:

- [1] 249 Church Street, Map 43, Parcel 50; DEP File #247-1036;
- [2] 23 Leland Drive, Map 64, Parcel 76; DEP File #247-1153 (Ms. McDonald will revisit and issue when the stockpile is removed);
- [3] 69 Maple Lane, Map 65, Parcel 41; DEP File #247-814;
- [4] 69 Maple Lane, Map 65, Parcel 41; DEP File #247-814 (Amended 2005); and
- [5] 69 Maple Lane, Map 65, Parcel 41; DEP File #247-814 (Amended 2007);

Mr. Beals seconded; all voted in favor; motion approved.

Correspondence was reviewed.

There was a violation at Bartlett Street and Hayes Memorial Drive from Saturday's storm. Ms. McDonald was contacted today. There were some small (residential sized) breaches and a long breach off Bartlett Street within mostly upland along an old cart path; the owner will need to contact the adjacent land owner and possibly the railroad to get permission to clean the sediment. Mr. Beals said the loam stockpile they are working on is washed out on the back again at 301 Bartlett Street. Ms. McDonald will visit the site.

Mr. Baldelli commented that there was an oil release at 98 Maple Lane; it was handled properly; the owner took all the right actions.

Ms. McDonald said the Contempt of Court Case for 429 Whitney Street is July 9th. DEP filed an additional Administrative Order because the fence was moved and ground beef, potato chips and dirt were dumped in the wetlands. Town Counsel is preparing an Enforcement Order; Ms. McDonald will ask that they include fines.

There is a proposal before the ZBA (125 Rice Ave – Wiggles and Tails) for a dog walking business on Conservation trails. Ms. McDonald said that the proposal to operate the business on the conservation land is not allowed in the deed for the property or Article 97 Land requirements.

Mr. Young asked the status of the Davidian lawsuit. Ms. McDonald will follow-up.

MACC dues for FY20 is \$742.00. Ms. Marston made a motion to pay the \$742.00 dues; Mr. Beals seconded; all voted in favor; motion approved.

Other Business As May Legally Come Before the Commission

The next meeting is scheduled for August 12, 2019.

Mr. Baldelli made a motion to adjourn; Ms. Marston seconded; all voted in favor; motion approved. The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary