



TOWN OF NORTHBOROUGH Conservation Commission

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Conservation Commission

Meeting Minutes

September 9, 2019

Approved
10/7/2019

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

Members Absent: Kelley Marston, Wayne Baldelli

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

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

Ms. Guldner read into record the hearing notice for the Notice of Intent applications for 400 Cedar Hill Street (construct a sewer connection line and associated site work), and 125 Rice Avenue (install parking lot, upgrade existing cart path including installation of a bridge, fencing, grading and associated site work.)

Mr. Helwig made a motion to approve the August 12, 2019 Regular Meeting Minutes and the August 26, 2019 Joint Meeting Minutes; Mr. Beals seconded; voted 4-0-1; motion approved (Mr. Dufresne abstained).

Notice of Intent – 400 Cedar Hill Street; Map 67, Parcel 4

Applicant: Dan Aho, ACZ Cedar Hill LLC

Request: Construction of a sewer connection line and associated site work.

Jurisdiction: Buffer zone to a bordering vegetated wetlands.

Valouza Conta (Goddard Consulting) was present. Revised plans were submitted. The site is currently vacant. Proposed is a sewer connection line in the buffer zone and associated site work. Any reference to hay bales on the plan was removed and detail on dewatering was added. As of now, they do not see any need for dewatering, but explained where the area would be should they need to; it has been added to the detail on the plan. The wetland line has been confirmed by Ms. McDonald. This NOI is solely for the sewer connection line and the delineation. Ms. McDonald said the town is in receipt of draft plans showing possible future development of the parcel. 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 400 Cedar Hill Street with the special condition that all utilities must be to town specifications; Mr. Beals seconded; all voted in favor; motion approved.

Notice of Intent – 125 Rice Avenue; Map 46, Parcel 77

Applicant: Chris & Kasey Oestreicher, Wiggles & Tails Dog Services, LLC

Request: Installation of a parking lot, upgrading an existing cart path including installation of a bridge, fencing, grading and associated site work.

Jurisdiction: Bordering vegetated wetlands, bank, riverfront area.

Scott Morrison (EcoTec) was present and explained the site; single family house, wetland resource area, perennial stream, BVW. The wetland line has been confirmed by Ms. McDonald. The applicant owns approximately 16 acres on the opposite side of the wetlands. The applicant runs a dog walking business and wants to do that out of his house. He picks up and brings five dogs in a van, brings them to a location, puts them on leashes, lets them run and brings them back; he does this continually during the

day. He is proposing a parking lot for 1-2 employees, installing a gate area, and a gate on the cart path. Current fencing exists on the adjacent aqueduct property; new fencing will be installed along the cart path. Two precast concrete abutments are proposed on either side with a wood deck bridge. They propose to install filter fabric and two culverts and place gravel which will provide access to both sides. The intent is to upgrade the cart path to allow the dogs to pass without going in the brook. The plan currently calls for 1,500 square feet of replication; no planting plan has been provided. Mr. Young asked about the culverts draining off the site. Mr. Morrison said they will be installing a secondary pipe because there is some drainage that comes down the hill towards the stream beyond the bridge footings. The bridge is 10-feet wide, 18-feet long; the capacity is approximately 10,000 lbs. Regarding the location and access of the replication area, they tried to put it close to the wetland and access path to minimize the disturbance for the replication area. The fence will be a 7-foot welded wire fence; the detail is needed on the plan. Ms. McDonald said since the town does not have a stormwater bylaw, it falls under different jurisdictions. The impervious area (parking lot) is outside of the Conservation's jurisdiction, but since it is within the groundwater protection area, the Groundwater Advisory Committee is requiring drainage calculations. Fred Litchfield (Town Engineer) strongly suggested that the Commission wait until the drainage calculations are complete. Ms. McDonald still needs information for details for the fence, limits of wetlands alterations, restoration and replication. She was concerned that if the public hearing is closed, the applicant would have to come back with an amendment and have to re-notify the abutters and pay another fee due to significant changes. Staff recommended that the hearing remain open until they made progress with the Groundwater Advisory Committee and the ZBA in the event there were significant changes. Mr. Oestreicher said that would drastically changes his business plan and could set him back 7-8 months; he would rather do extra paperwork if needed. Mr. Helwig made a motion to close the public hearing; Mr. Beals seconded; all voted in favor; motion approved. Conditions were discussed: include the fence detail, details on limits of altered wetlands, and more information around the replication/restoration area. Ms. McDonald stated she was not comfortable with administratively conditioning this many requirements and felt she does not have a plan she can enforce.

Conditions again were discussed: restoration/replication, the standard protocol is for 75% after two growing seasons at every growth level (brush, bush/shrub and tree); planting plan required, temporary stabilization measures required, Ms. McDonald recommended that the replication area is completed prior to the start of the bridge work.

The applicants discussed the approval process with other boards with their representative then requested the hearing is continued to the next meeting of the Commission.

Mr. Helwig rescinded the prior motion and vote, then made a motion to continue the public hearing; Mr. Beals seconded; all voted in favor; motion approved. The Commission asked Ms. McDonald to draft the Order of Conditions.

Request for Certificates of Compliance:

345 West Main Street, Map 81, Parcel 17, DEP File #247-066 Duplicate Original – Mr. Beals made a motion to issue a duplicate Certificate of Compliance for 345 West Main Street; Ms. Guldner seconded; all voted in favor; motion approved.

Informal Discussion:

0 (aka 330 & 350) Bartlett Street, Map 67, Parcel 6-0, DEP File #247-1088 Project Update – Joe Vasopoli (Gutierrez Construction, General Contractor), Andrew Surmick and William Peckham (Boragard Construction, Site Contractor), Dan Feeney (Beals & Thomas, Project Engineer), Mark Arnold (Goddard Consulting, Wetlands Engineer) were in attendance. Mr. Vasopoli commented that it is a very large site and they understand the importance of protecting the wetlands. They have been working to get the site stabilized.

Ms. McDonald summarized her involvement; she visits the site every week (more frequent if there are breaches). They self-notify, self-report, and are very responsive. There have been no breaches this month. There were two dry weeks and then two big storms in one week; there were no breaches other than some seeping. Ms. McDonald has always been very satisfied with the small size of the breaches. With the exception of the cart path breach where it goes off site, they are residential size and restoration was done quickly.

Mr. Arnold gave an overview of the entire site and the current and previous conditions of the slopes; photos were reviewed. He provided a report to the Commission in August. He was brought on board for peer review because of his background to make sure the site was maintained and said they have done a fairly good job at stabilizing and have been very responsive to suggestions. To be proactive, they put in additional measures along the maintenance road to protect the lower slopes until they stabilize. From his point of view, he said there is no impact to the wetlands with the exception of minor residue that occurred during actual storm events. Mr. Litchfield commented in an email that said overall, he is very pleased with the contractor's ability to manage the stormwater on the site. The only concern is for the slope on the southeasterly side of the project where it appears groundwater is breaking out and, while it appears to be currently managed, he is concerned this area will continue to see groundwater outbreak and be a constant source of slump within the slope. He recommended a more permanent fix with stone and fabric to be undertaken during dry weather. Mr. Litchfield expressed his concern at the site walk since they have an Earthworks Permit. Mr. Arnold said there is a sump pump that was put inside the limit of work that will pump up approximately 20-feet vertically to another pump to a basin. Mr. Dufresne said it appears that it is a well-managed site, Ms. McDonald is receiving timely reports, and they seem to be responsive. The Commission was satisfied with the project update.

Notice of Insignificant Project Change:

0 (aka 330 & 350) Bartlett Street, Map 67, Parcel 6-0, DEP File #247-1088 – At the last meeting the members said the second line of erosion controls went beyond their current limit of work was a significant project change, and wanted the applicant to submit an amendment to their Order of Conditions. Ms. McDonald contacted DEP who verbally commented that if the change is removed (second line of erosion controls) and there is no change to the as-built plan, then they can remove the significant project change. Mr. Vasopoli is requesting the Commission reconsider their vote to require an amendment. The consensus of the Commission was that the issue has been resolved and unanimously agreed to withdraw the request to require an amendment. The goal for winter stabilization is to get the slopes seeded and grassed.

Letter of Support: Proposed Disc Golf Course on Edmund Hill – The Recreation Commission is submitting a CPC application to obtain funding; applications are due November 1st. They are requesting letters of support for the project and it would be helpful to have a letter of support from the Commission. Ms. McDonald will draft a letter of support summarizing that the Commission gave permission to work there, they have a Determination of Applicability, and the Commission supports the installation of the course.

CPC Application: Pond Vegetative Maintenance – There was discussion about submitting an application to treat Bartlett Pond; applications are due November 1st. Effective pond treatment is completed in late May, early June. The Town Meeting is in April and funds would be released July 1st. Ms. McDonald recommends applying for a pool of funds for pond vegetative maintenance for any pond owned or controlled by the Town. She approximated the request would be approximately \$50,000 but would formulate a budget. Bartlett Pond is on a two-year cycle. There is a Pond Association possibly being created for Solomon Pond. If the town could get public access to Solomon Pond it could be included with Bartlett Pond and would be on an annual cycle for the first few years. The Commission discussed other ponds that could be treated, including Little Chauncy and Smith Pond. There was also discussion about applying for an outlet structure study for the dam. The members agreed to apply for vegetative maintenance for Bartlett Pond and any other town controlled or owned pond for the next three years, but not for the dam study. Ms. McDonald will provide the draft application at the October meeting.

Request for Insignificant Project Change: 15 Maple Lane (DEP File #247-1167) The applicant submitted a plan to Ms. McDonald showing tree removal along the limit of work. No trees are within the 15-foot, but some are within the 30-foot. Ms. McDonald recommended it would be an insignificant project change as long as they keep the equipment inside the limit of work and leave the stumps in place. Mr. Helwig made a motion that it is an insignificant project change; Ms. Guldner seconded; all voted in favor; motion approved.

Correspondence was reviewed. (1) Letter from the Division of Fisheries and Wildlife regarding the conservation restriction inspection walk for Mt. Pisgah will be Wednesday morning at 8:30 a.m. (2) The MACC Fall Conference will be held on October 19th at Devens MA.

Executive Session (closed to the public, Per MGL c.30A, Section 21A): 615 Howard Street Proposed Open Space Acquisition – There was no need for an Executive Session to be held since no information would be compromised and therefore, there would be no detrimental effects on the negotiation position. Mr. Helwig made a motion to offer \$390,000 for the property less the cost of the survey and ANR Plan if the seller does not provide one; Mr. Beals seconded; all voted in favor; motion approved.

Other Business As May Legally Come Before the Commission:

The next meeting is scheduled for October 7, 2019.

Mr. Helwig made a motion to adjourn; Mr. Beals seconded; all voted in favor; motion approved. The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary