



TOWN OF NORTHBOROUGH Conservation Commission

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Approved
4/8/2019

Conservation Commission

Meeting Minutes

March 11, 2019

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

Members Absent: Tom Beals

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

The Chair opened the meeting at 7:06 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 for 66 Lyman Street (maintenance of existing stormwater management system and associated site work), Notice of Intent application for 363 & 367 West Main Street (replacement of failed septic system), and the hearing notice to solicit public comment on the proposed change to the Wetlands Protection Bylaw.

Ms. Guldner made a motion to approve the Minutes of February 11, 2019; Ms. Marston seconded; voted 4-0-2; motion approved; Mr. Helwig and Mr. Dufresne abstained from voting.

Request for Determination of Applicability (continued) – 0, 329 & 333 West Main Street; Map 81 Parcels 13, 14 & 15

Applicant: Labadini Corporation

Request: Creation of a new underground infiltration system and paving of existing parking area and associated site work.

Jurisdiction: Buffer zone to bordering vegetated wetlands.

Michael Scott (WDA Design Group) was present for the Labadini Corporation. A Determination of Applicability was previously issued for the maintenance of the stormwater basin at the front of the site. The project has been before the ZBA and the Planning Board informally; they have also met with the Massachusetts Department of Transportation (MassDOT). The primary concern of the Commission was the functionality of the stormwater system. The existing stormwater system is antiquated and in need of maintenance. There is a stormwater basin at the front of the site and a small infiltration basin at the rear of the site. The front basin outlets through a culvert maintained by MassDOT under the road. The front of the site will be regraded and the basin restored to what it was historically. The Commission's concerns were making sure that the system that runs around the building is clean and functional and the outlet pipe will drain the basin. The project included on the plan the upgraded system around the building that will replace the existing system if needed. MassDOT will be working on the road in the spring; it will require a permit because work will be near the wetlands. MassDOT recently excavated both ends of the culvert so it functions better. Mr. Scott said the building on the east side has a floor drain system which was inspected with a video camera, but the tank was not located; the current project plans include a 10,000 gallon holding tank based on water supply for fire protection to the building. Everything that is stored in the building will have a new structure at the back of the site and will be maintained.

Mr. Scott felt the primary concerns of the Commission had been addressed, i.e., jurisdiction extends to the front of the site but all of the stormwater comes around into the front of the site. Mr. Labadini has authority to do the work but does not want to invest money in someone else's property until he has secured all his permits. The list of pesticides has been provided; they will be stored in the building in a enclosed container. There is a 10,000 gallon standalone holding tank that will be pumped out according to the maintenance plan. Washing of vehicles will not take place on this site; it will be done at the Marlborough location. No major tree work will be done; the buffer will remain the same. There will be two new water quality units. A 21E environmental assessment was done; four well points were monitored and no high levels of any contaminant appeared in the test results.

Ms. McDonald confirmed that all open items were addressed. With the Commission having no other issues, Ms. Marston made a motion to issue a Negative Determination of Applicability for 0, 329 & 333 West Main Street, adding that the pipe is to be cleaned out before any additional flow is sent to the basin; Mr. Helwig seconded; voted 5-0-1; motion approved; Mr. Baldelli abstained from voting.

Notice of Intent – 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 bordering vegetated wetlands.

The applicant requested a continuance to the April meeting. Mr. Baldelli made a motion to continue the hearing to the April 8th meeting; Ms. Guldner seconded; voted 4-0-2; motion approved; Mr. Helwig and Mr. Dufresne abstained from voting.

New Business:

Request for Determination of Applicability – 66 Lyman Street; Map 71, Parcel 3

Applicant: Newcorr Realty, LLC c/o Rhett Bartlett
Request: Maintenance of existing stormwater management system and associated site work.
Jurisdiction: Buffer zone to bordering vegetated wetlands and riverfront area.

Jim Almonti (WDA Design Group) explained that the abutter to the north is the railroad line, to the east is Lyman Street, across which lie additional industrial properties, to the south is Railroad Drive, and to the west is Juniper Hill Golf Course. There is an existing 148,000 square foot truck and trailer storage building; there are approximately 13.5 acres. There are wetland resource areas to the west that run along the property line; there is a perennial stream; a 100-year flood follows the brook. No portion of the site is located within the priority habitat; the site is generally flat. The existing drainage system consists of a surface detention basin that discharges into one of the two detention basins; 50% of the site is impervious surface. The applicant is proposing a 38,700 square foot building addition on the east side. Additionally, small area of gravel will be converted to pavement; the building expansion and additional parking are out of the buffer zone and resource areas. The use is strictly warehouse space; no additional employees. The drainage system will consist of subsurface infiltration system, the grade will be pushed back; the overflow pipe will flow to a new pretreatment system.

The applicant met with the Town Engineer, Mr. Litchfield, prior to filing. There are two double catch basins in the existing parking lot which are full of water; Mr. Litchfield required that the catch basins are cleaned and inspected to confirm they are functioning and are deep sump. One of the Commission's concerns was that more erosion controls be added if the units need to be replaced; the applicant agreed

to do that. Mr. Almonti said all of the work is outside the buffer zone and resource areas and that maintenance of the stormwater system is allowed under 310 CMR. Mr. Dufresne asked if some of the pavement is coming into the treatment unit. Mr. Labadini said the infiltration system connects to the existing drainage system further up; there is a new treatment device for the new pavement. Mr. Baldelli said that with the work being done so close to Stirrup Brook, he was not comfortable with issuing a Negative Determination. Ms. McDonald explained where the Commission's jurisdiction was; the only work proposed in the Commission's jurisdiction is the maintenance of the stormwater structure. The minimum work is that they will clean and inspect the catch basins so that they are fully functioning; the maximum is that they need to be replaced, which is maintenance of a stormwater structure and does not require an NOI. Mr. Baldelli is not sure what they will find when they open the structures and would like them to come back before the Commission if they do major work to upgrade the system. Mr. Almonti said the structures are full of water. If they don't have sumps in them, they will need to be upgraded with deep sump catch basins in the same location. The catch basins will be inspected, cleaned out and a determination will be made as to whether they need to be upgraded per Mr. Litchfield's request. Ms. McDonald said the Negative Determination would be for maintenance only; they will have to come back with an NOI for any increase or upgrade. Mr. Helwig made a motion to issue a Negative Determination of Applicability for 66 Lyman Street for maintenance only; Mr. Baldelli seconded; all voted in favor; motion approved.

Notice of Intent – 363 & 367 West Main Street; Map 81, Parcel 18

Applicant: Ron Ernenwein

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

Jurisdiction: Buffer zone to bordering vegetated wetlands.

Neither the applicant nor the engineer appeared. The Commission requested discussion at a future meeting, so Mr. Helwig made a motion to continue the Public Hearing to April 8th; Ms. Guldner seconded; all voted in favor; motion approved.

Proposed Change to the Town of Northborough Wetlands Protection Bylaw, (Chapter 6 of the Municipal Code) Section 6-04-020 Applicability, by adding the text shown below as underlined:

6-04-020 Applicability

Except as permitted by the Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas: any freshwater wetland, bordering vegetated wetland, isolated vegetated wetland, marsh, wet meadow, bog or swamp; any bank, beach, lake, river, pond, stream or any land under said waters; any land subject to flooding or inundation by groundwater, surface water or storm flowage; any riverfront area. Any proposed work which falls within one hundred (100) feet of the previously mentioned resource areas or the riverfront area must be approved by the Conservation Commission. Plans of the same are required to be filed by the applicant under M.G.L.A. C. 131, § 40, said plan scale to be no greater than one (1) inch equals forty (40) feet.

The Public Hearing was opened. Mr. Helwig had a concern about voting on the bylaw before the regulations are in place. He was told a subcommittee will be meeting on March 26 and would welcome his participation. Ms. McDonald explained that in 1993 the bylaw and regulations were written with the intent to protect isolated vegetated wetlands with the words "freshwater wetlands". It was challenged and a letter submitted saying that town's bylaw and regulations do not support the protection of an isolated vegetated wetland, but from 1993 to 2016 the Commission regulated isolated wetlands. This change is an attempt to correct that by fully defining it and making it jurisdictional to protect it once again.

Mr. Dufresne said the state regulations define the size as an area that holds greater than a quarter-acre foot of water. Ms. McDonald said the current working definition is “where soils are saturated and/or inundated such that they support a predominance of wetland indicator plants, the boundary and isolated vegetated wetland shall be determined as stated in the Wetlands Protection Act”. The definition in the Act for “isolated land subject to flooding” is a quarter-acre foot. The town’s regulations define “isolated land subject to flooding” as an eighth-acre foot, which is more restrictive. Ms. McDonald suggested discussion on the definition can take place in the informal discussion on the update of the regulations. Public comment was solicited. Hearing none, Mr. Helwig made a motion to close the Public Hearing; Ms. Marston seconded; all voted in favor; motion approved.

Ms. McDonald said other towns were researched for creating a definition. Mr. Helwig commented that the geographic area is easy to measure and the engineers will like it, but that kind of standard allows for more creativity. The intent of the Subcommittee was to bring back details to the full Commission, make changes based on input, and move forward. There will be a formal Subcommittee Meeting on March 26th at 6:30 p.m. and it is open to the public.

Other Business

Mr. Young commented that the pad for dentist office on Route 20 is not working; there was dirt and mud over the road. Ms. McDonald will follow up.

Bartlett Pond Dam – Ms. McDonald said there are two issues. The first is the dam (which is owned by the Commission). An inspection was completed in 2016. The report was given to the Commission, the DPW and was also submitted to the state. The state acknowledged receipt of the inspection and stated that they would let us know what needs to be done; to date no correspondence has been received. Ms. McDonald will check with the DPW to see if they received the correspondence and follow up with the state.

The second issue is with the syphon and the drawdown. There was research done in 1997; it was evaluated and determined that the valve was broken. There was information in the file regarding the drawdown; Ms. McDonald contacted SOLitude Lake Management to confirm that it was still accurate and was told that it was. The drawdown has to go down 5’ for it to be effective. In MA, drawdowns are effective approximately once every five years. Drawdown may not reduce the need for herbicide treatment. Before a drawdown is done, a feasibility study needs to be completed. Mr. Baldelli said drawdown of a certain amount that would have a minimal effect on wells and habitat does not need a permit. SOLitude is not supportive of a drawdown; there are many factors that need to be considered. Mr. Baldelli said the syphon is not going to be put in to do a full-fledged drawdown so that work can be done; the main intent for the drawdown is to keep a large amount of water going over the dam so we are not losing the chemicals that are being put in for the weed treatment. Mr. Baldelli asked Ms. McDonald to see if there is a volume criteria that needs to be met. A feasibility study would cost approximately \$20K; funding is needed. If work needs to be done on the dam, Pare quoted analysis at \$27K. Ms. McDonald will find out the drawdown rules. The state needs to respond regarding the dam maintenance issue and a consultant needs to be hired to conduct a feasibility study on lowering the pond. The dam engineer and SOLitude consultant will be invited to attend the April meeting.

Earth Day Poster Contest – The Conservation Agent from Southborough plans to have an Earth Day Poster Contest and invited Northborough to take part. The Commission supported the idea; Ms. McDonald will prepare a prize basket.

Request for Certificates of Compliance – None tonight

Informal Discussion

Correspondence Received – Site Plan Approval and Special Permit application for E&G Home Improvements, Sudbury Valley Trustees, Forest Cutting Plan for 90 Maynard Street, ZBA Special Permit Site Plan Approval for Newcorr.

Wetlands Bylaw & Regulations Update – Ms. McDonald finished the fee study draft; twenty nearby towns were contacted. She will be reviewing it with the Town Planner, Kathy Joubert. The goal for the regulations is to have the definition of the isolated vegetated wetland completed for Town Meeting.

The next meeting is scheduled for April 8, 2019.

Ms. Guldner made a motion to adjourn; Ms. Marston seconded; all voted in favor; motion approved. The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Melanie Rich
Commission Secretary