



TOWN OF NORTHBOROUGH Conservation Commission

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5015 • 508-393-6996 Fax

Approved
12/10/18

Conservation Commission Meeting Minutes November 19, 2018

Members Present: Greg Young (Chairman), Wayne Baldelli, Diane Guldner, Justin Dufresne, Todd Helwig, Tom Beals (arrived at 7:51PM)

Members Absent: Kelley Marston

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

The Chair opened the meeting at 7:00 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 Notice of Intent application for 94 Pleasant Street (replacement of septic system and associated site work).

Mr. Helwig made a motion to approve the Minutes of October 15, 2018; Ms. Guldner seconded; Baldelli/Guldner/Dufresne/Helwig voted in favor; Young abstained; motion approved.

Notice of Intent – 94 Pleasant Street; Map 55 Parcel 17 (DEP File #247-1158)

Applicant: Charles & Pamela Bleakney

Request: Replacement of septic system and associated site work.

Jurisdiction: 100-foot buffer to bordering vegetated wetlands

Mike Sullivan (Cornerstone Engineering) was present. The site is four acres. The rear part of the property is totally encapsulated with wetland resource areas. The five-bedroom house will remain with five bedrooms. The topography is higher in the front (approximately 10' elevation difference as you get to the rear). The 30' and 100' offsets were shown on the plan. There is a 100-year flood plain of 293 that falls within the wetland delineation. The bordering vegetated wetlands (BVW) is the closest resource area to the work. There is a temporary barn that is of concern. Mr. Sullivan showed the area where they are proposing to replace the septic system. It is 53' from the wetland. Very little grading is associated with the work. There will be a silt fence and straw wattles. Mr. Sullivan said they responded and addressed the concerns of Ms. McDonald.

Mr. Baldelli asked what was the issue with the septic being located on the front left side of the house. Mr. Sullivan said it is 10' higher, they cannot raise the plumbing to accommodate it, and it is expensive. Because alternative analysis was presented, Mr. Sullivan is requesting a waiver to the 100' requirement. Another concern was the existing structures and debris within the wetland and 30' buffer. There are multiple large brush piles in violation. The members have no issue with the septic system design. Mr. Baldelli said there is an option to put the system 100' out, but it would need a pump system. He was amenable to leaving it where it is proposed but feels the applicant should be amenable to cleaning up the wetlands; Mr. Sullivan thought that was fair. The Commission typically does not allow less than a 100' setback if there is an alternative.

The Bleakneys arrived and Mr. Young explained what transpired before they arrived. He explained the concerns the Commission had with violations they observed. There is a lot of material, including the shed, and many piles of debris in jurisdictional areas and buffer zones restricted under the local bylaw. The logical sequence of operation would be to get the equipment in and do the work and then put the septic system in. The primary concern was the shed and pile of debris (everything within the 30-foot area). The entire area has been flagged. Mr. Young explained to him that 15-feet is a no-touch area; 30-feet there can be no structures; and anything within 100-feet needs a permit from the Conservation Commission. He asked if the Commission would allow them to tear down the shed in the spring. Mr. Dufresne said that seemed fair regarding the shed, but everything else should be done. Mr. Bleakney had no hesitation working with the rest of the issues in the yard.

Mr. Young asked the status of the septic system; Mr. Bleakney said it is not working; the leach field is completely inoperable. Mr. Young said the Commission could approve the Notice of Intent for the septic system and include conditions around the removal of various debris, not including the shed, out of the 15-foot or 30-foot area that would happen prior to the installation of the septic system. Mr. Baldelli said it would be a good idea to put a date on the relocation of the shed since it is on the edge of the wetland. The time for removal or moving the shed would be within a year. Ms. McDonald said the sequence would be (1) removal of all debris and stockpiles within the 15-foot; (2) inspections; (3) erosion controls; (4) inspection of erosion controls; (5) septic work; and (6) removal/relocation of shed. Mr. Helwig made a motion to close the public hearing; Mr. Dufresne seconded; all voted in favor; motion approved. Mr. Beals made a motion to issue an Order of Conditions for 94 Pleasant Street subject to conditions discussed in detail; Mr. Dufresne seconded; Baldelli/Dufresne/Guldner/Helwig/Young, voted in favor; Mr. Beals abstained as he missed some of the hearing; motion approved.

301 Bartlett Street; Map 66, Parcel 5 (vote to accept and hold Conservation Restriction) – Scott Weiss and David Robinson were in attendance. Mr. Weiss explained that as part of the 301 Bartlett Street project (which has been fully permitted) it went to the Natural Heritage and Endangered Species Program (NHESP) and there was a Conservation and Management Permit issued by the Division of Fisheries and Wildlife (because there was a “take of habitat areas”) which resulted in two Conservation Restriction areas. It is really one, but it is bisected by the Wachusett Aqueduct. He showed the Conservation areas for which there was a Conservation Restriction fully approved by the Commission approximately ten years ago, by the Board of Selectmen, the Commission, and sent to state (EEA) where it sat for a long time. It was never recorded. In that process, the EEA wanted them to update the form. The Commission needs to re-sign; he is asking the Commission to vote to accept the two Conservation areas so they can sign the finalized permit which is now with Town Counsel. There are no changes. Mr. Weiss said there will be a separate CR connected with 0 Bartlett Street/150 Hayes Memorial Drive. He is asking the Commission to accept the two areas tonight. When Natural Heritage gives their approval, he will come back and ask for approval on it as well as the acceptance on the additional areas. Mr. Helwig made a motion to accept the Conservation Restriction on the two areas specified; Mr. Baldelli seconded; all voted in favor; motion approved. The Commission will hold off signing pending Town Counsel review.

301 Bartlett Street Update - The stockpile issue adjacent to 301 Bartlett Street was starting to become unstable. Ms. McDonald has been visiting it weekly; early last week it was sprayed; half of it washed off because it was too late to grow grass. The subcontractor did hire Beals & Thomas to come up with a stabilization plan for the winter, otherwise they would have been out of compliance with the Order. A straw mat and tackifier application will be used. It needs to be in place as soon as possible; they will reseed it after the winter. Ms. McDonald said there is no violation yet; they are 100-feet away from the wetlands, and working on stabilizing it for the winter.

Notice of Intent (continued) – 0 Bartlett Street (aka 150 Hayes Memorial Drive); Map 51, Parcel 3 (DEP #247-1144)

Applicant: Northborough Land Realty Trust
Request: Proposed 167,400 s.f. warehouse/distribution center
Jurisdiction: 100-foot buffer to bordering vegetated wetlands
Commissioners: Mr. Young, Mr. Baldelli, Mr. Beals, Mr. Helwig

Mr. Robinson explained the areas that are part of the 301 Bartlett Conservation Restriction. As part of the 150 Hayes Memorial Drive, they will create three new Conservation areas that would go with it. They are all connected, but because of property lines they become separate parcels. They have gone through the development and impacts and have filed with the DEP. They have not yet heard from NHESP. They also filed with the MEPA office. NHESP, being a state agency, cannot issue their permit until the MEPA process is completed (which they expect to be completed within the next few days). They are hoping to get the permit from NHESP and come back to the December Commission meeting and ask for two votes at that time: (1) close out the Order of Conditions and (2) vote to accept the three Conservation Restrictions. Proposed conditions were discussed since there will be no changes to the project. The creation of the new areas will not change the scope of the project. Ms. McDonald said the only concern the Commission had back in August (and still does) was the water/sewer connection. Mr. Weiss said they are meeting with Marlborough tomorrow; they have indicated that they are willing to allow the connections. One condition Mr. Baldelli would like to see is a condition for the procedure to disconnect and abandon the old Algonquin sewer connection and the construction of the new one. Mr. Weiss said they will construct a new line and do the changeover once in place. It depends on the vertical separation and finished grade; currently it is approximately 3-feet below grade; the final grade will be abandoned in place for anything 4-feet or greater vertical separation; anything less than that would be removed. Mr. Weiss stated that Scott Charpentier of the Northborough DPW wants to inspect the line 99% when it is completed. It will take less than a day to make the two terminal connections. The sewer line must follow DPW specifications. Reinforced silt fencing (straw hay bales, not wattles) will be placed at the base of sloped areas. They will update the erosion control plan to show the locations. The Commission will require the name and contact information of the environmental monitor. Ms. McDonald will draft the Order and forward it to the applicant for review. Mr. Helwig made a motion to continue to the December 10 meeting; Mr. Beals seconded; all voted in favor; motion approved; Mr. Dufresne recused himself from voting.

Requests for Certificates of Compliance:

76 Lincoln Street; Map 75, Parcel 40; DEP File #247-1078 – Mr. Young said it appears to be functioning as it was intended to. Mr. Helwig made a motion to issue a Certificate of Compliance; Mr. Dufresne seconded; all voted in favor; motion approved.

249 Church Street; Map 43, Parcel 50; DEP File #247-1036 – The applicant requested a continuance to relocate the wetland markers and place on the as-built. Ms. Guldner made a motion to continue; Mr. Helwig seconded; all voted in favor; motion approved.

273 Southwest Cutoff; Map 109, Parcel 8; DEP File #247-687 – Ms. McDonald visited the site. She said they could use the as-built from the new filing for 267-281 Southwest Cutoff from Dr. Moheban rather than create a second as-built since it had all the grades and resource areas which is more detail than the Commission would have required. The site was built as proposed, but the culvert under the access drive needed brush removed to clear the flow. Mr. Beals made a motion to issue a Certificate of Compliance for 273 Southwest Cutoff contingent on the clearing of the culvert; Ms. Guldner seconded; all voted in favor; motion approved.

Informal Discussion(s):

The letter for Arthur Butt was reviewed and signed by the Chair.

The 2019 Meeting Calendar was reviewed; October and November dates were changed due to holidays.

Subcommittee to Update the Bylaw – Mr. Young, Ms. Guldner and Mr. Beals volunteered to be on the committee.

Mr. Baldelli read the report for Bartlett Pond. Solitude, Inc. are conduct a post-inventory, but not a post-assessment. They will not be re-treating. Ms. McDonald said the schedule is every 2-3 years based on the what their recommendations were. The deadline for CPC applications is October; we can apply next October for the spring of 2020. Mr. Baldelli said he would like to coordinate it with the Commission addressing the issues with the dam outfall and putting in a syphoning system. There was a dam inspection and recommendations were made, but the town is not doing anything about them. Ms. McDonald said we would need CPA funding for an engineering report and the following year CPA funding to do the work. She will talk to DPW about the Commission applying for funding for an engineering report.

Ms. McDonald reported that she attended a Regional Aqueduct meeting and the Trails Committee are applying to open Phase 2 (Edmund Hill Woods to the Berlin line); she is drafting a letter for the Trails Committee to sign.

December 10, 2018 was confirmed as the next meeting date.

Mr. Helwig made a motion to adjourn; Mr. Beals seconded; all voted in favor; motion approved. The meeting adjourned at 9:01PM.

Respectfully submitted,

Melanie Rich
Commission Secretary